

Minutes
Albany County Planning Board
September 22, 2014 (includes referrals sent for August 21st meeting)

Present:

Michael DeVall, Chair, Dominic Rigosu, Ben Syden, Bill Anslow, Jim Birdsall, Scott Siegel,

Albany County Planning:

Leslie Lombardo

Guests:

Tom Shepardson

Approval of Minutes:

A motion to accept the minutes from the July 17, 2014 meeting was made by Ben Syden. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

A motion to move case #10-14082023 to the front of the agenda to accommodate the guest was made by Dominic Rigosu. The motion was seconded by Ben Syden and unanimously approved by the board.

Case #: 10-14082023

Crossgates Mall-subdivision

Crossgates Mall Road, Guilderland

A subdivision of .73 acres from the main parcel of the retail mall for financing purposes of the newly approved expansion of 2,000+ s.f. The new parcel will be owned by the mall owners and is similar to previously approved subdivisions within the development parcel for other parts of the building including former Filene's, and Lord and Taylor department stores. The location of the expansion is between the food court and restaurant Dave and Busters on the south side of the mall building. ACPB reviewed the expansion in December 2013 (case #10-13/12/1871).

Staff Opinion: Defer to local consideration

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

Michael DeVall asked if the guest wanted to comment. Tom Shepardson said no.

A motion to accept staff opinion to defer to local consideration was made by Ben Syden. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

GML CASES RECOMMENDED TO DEFER TO LOCAL CONSIDERATION

Michael DeVall asked for a motion to move all of the August meeting referral cases to a vote since the 30 day time limit has expired on them. Dominic Rigosu made a motion to consider the 19 cases for defer to local consideration and 7 cases for modification to local approval from the August agenda and approve as is. The motion was seconded by Ben Syden and unanimously approved by the board.

Defer to local consideration cases:

Case #: 7-140802018

Professor Java's Coffee (addition)

217 Wolf Road, southeast corner of Wolf Road & Ulenski Drive, Colonie

Site plan for a 26' x 7.5' addition to an existing restaurant for purposes of expanding the kitchen. No changes to access to the town road. This property was previously reviewed for a setback variance (ACPB case #7-14/4/1924).

Case #: 7-140802019

Willard Daggett

39 Troy Ave., southwest side of Troy Ave, across from Waterford Ave west, Colonie

Area variance from front yard setback to allow construction of a two family dwelling for handicapp individuals in the single family zone with a 16' setback where 40' is required. Access is to local streets. There is a multifamily residential complex to the south off Vallenwood Dr.

Case #: 7-140802024

James Bunkoff

146 Vly Rd, Colonie

Use variance to allow construction of a duplex residential dwelling in the single family zone. The property has an existing vacant building that will be demolished. There is an existing driveway to Vly Rd., a town road.

Advisory Note: The Town may want to require a turn-around area on the driveway so that cars are not backing out on to Vly Road in close proximity to the intersection with Watervliet Shaker Rd/CR 157.

Case #: 10-140802025

K & C Salon

2511 Western Avenue/SR 20, north side of SR 20, 100' west of Okara Dr., Altamont

Area variance from the setback distance required for a free standing sign for a commercial business. Applicant requests a setback distance of 12' from the right of way of SR 20, where 20' is required.

Case #: 10-140802026

T-Mobile Northeast, LLC

4 Tower Place, within Stuyvesant Plaza Office park, Albany

Special use permit to allow additional telecommunications antennas and related equipment cabinets on the roof of an existing office building. The new antennas will not increase the height of the building.

Case #: 10-140802027

Pine Bush Senior Living, LLC

New Karner Road Guilderland, NY 12084

Area variance from the town requirement for building setback from steep slopes. The town requirement is a 30' setback from the angle of repose which is a 12% slope drawn from the stream bank to the point where it intersects with the ground surface. Applicant is proposing to build a senior living community on the site including a three story assisted living facility with 72 beds, an independent living building with 96 units and a memory care center building with 48 beds. There will also be parking lots and stormwater management basins on the site. The preliminary site plan shows the buildings and internal driveway closest to the steep slopes. Applicant has prepared a slope stability evaluation that provided the setback lines for construction shown on a preliminary site plan.

Advisory Note: If the town considers an approval for the variance it should consider a second geotechnical engineering report for the proposal by a firm chosen by the town.

The applicant should be encouraged to redesign the placement of buildings and parking lots. Buildings should be setback further than parking lots from the steep slopes.

If an approval is given by the town the applicant will need to consult with AC DPW Engineering for the proposed access points to CR 157. Changes may be needed to what is shown on the preliminary plan.

Case #: 10-140802028

Rite Aid - sign

2025 Western Avenue/SR 20, north side of SR 20, east of Karner Rd., Guilderland

Area variance from the sign regulations to allow a total of three signs where two are allowed by code and a total of 92 s.f. where 50 s.f. is allowed by code. The existing pharmacy proposes an addition of one 42 s.f. electric monument sign to be placed along the SR 20 frontage of 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 #: 10-140802029

Walgreens- sign

2061 Western Avenue/SR 20, northwest corner of SR 20 & Karner Rd, Guilderland

Area variance from total number of signs and maximum square footage allowed for signs. Applicant requests an addition of a 36 s.f. electric monument sign to replace an existing sign along the frontage of the property on SR 20. The additional sign will exceed the total of three signs allowed by code and a total of 50 s.f. allowed for signs, where 96 s.f. total signage is proposed.

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 #: 7-140802030

William Niles

1233 Loudon Rd/SR 9, Colonie

Area variance from front yard setback and side yard setback to allow construction of a carport (20' x 21') for a residential dwelling. Applicant proposes a 11.2' front setback where 20' is required and 8' side setback where 10' is required. There is a wide right of way for SR 9 between the property line and the edge of pavement for SR 9 in this location.

Case #: 1-140802031

960 Broadway, LLC

960 Broadway, southwest corner of Broadway & Tivoli, Albany

Use variance to allow renovation of an existing 4 story, vacant building to include a restaurant on the first floor (3,800 s.f.) and 30 residential units in the remainder of the building. The zoning is light industrial. There are 7 proposed parking spaces located on the property.

Case #: 1-140802033

Richbell Capital (RBC)

25 Holland Avenue, north side of Holland between Delaware Ave & Hackett Blvd., Albany
Site plan for a demolition approval for a 2,296 s.f. residential structure and a 710 s.f. garage in conjunction with amendments to a previously approved site plan for construction of a 218,725 s.f., 7 story, (2 stories of which are for parking) 125 unit apartment building with 160 parking spaces. The previous site plan and variances were reviewed by ACPB in August 2013 (case #1-13/8/1779 and 1782). The demolition of the existing structures adjacent to the proposed apartment building will allow a secondary access to the site from Cortland street. A traffic analysis was completed for the project and improvements identified.

Case #: 1-140802037

Mokhiber Wine & Liquors, LLC-variances

366 South Pearl Street, northeast corner of Pearl & Gansevoort St., Albany

Area variances from lot depth, maximum lot coverage, rear yard setback and offstreet parking requirements to allow construction of a commercial building that will be a wine and liquor store.

Required lot depth is 80', 70' is existing, lot coverage will be significantly greater than 50%, a rear yard setback of 20' is required, 5' is given.

Case #: 10-140802038

Salvadore Speciale

411 SR 146, north side of SR 146, between frenchs Mill rd and Van Buren Blvd., Altamont

Area variance from rear setback and height requirements to allow construction of a detached garage for a residence. The rear yard required setback is 5', 3' is proposed; the height requirement is 16' where 24' is proposed. The garage is located at the rear of the property. No changes to the driveway to SR 146 are shown.

Case #: 2-140802039

Key Bank

103 Park Street, southeast corner of Park St. and SR 146, Altamont

Area variance from village code lighting requirements for commercial properties in order for a bank property to update lighting to meet NYS laws for ATM safety.

Case #: 1-140802040

Noor Abdul Satter

272 Lark Street, Albany

Use variance to allow a hair salon to occupy space in the basement of a building in the residential zone. The space has been used for business uses in the past.

Case #: 10-140802041

Crossgates Mall-sign variance

1 Crossgates Mall Road, Guilderland

Area variance from maximum square footage allowed for signage (50 s.f. allowed, 94 s.f. proposed with a second sign.) The sign will be mounted on the facade of the building at the Pizza Uno location and is a second sign for that restaurant.

Case #: 4-140802043

The Cyprus Shrine Center-solar panels

27 Hannay Lane, east side of end of Hannay Lane, Glenmont

Area variance from requirement that no accessory structures be placed within the front yard. Applicant proposes to construct a solar panel array along the property line shared with an adjacent property in the industrial zone. The property is located on a dead end street, because of the lot configuration the side yard is considered the front yard for zoning code requirements.

Case #: 4-140802044

CVS Pharmacy - signs

416 Route 9W, southeast corner of Rt. 9W and SR 910A/Feura Bush Rd, Glenmont

Area variances from sign regulations including maximum square footage, number of signs, height, and illumination type to allow a proposed commercial building to have 2 internally illuminated building wall signs, and one internally illuminated ground sign in addition to directional signage on the site for the drive thru window.

Case #: 5-140802048

Robert L. Eck & Carol Ward

Southeast corner of SR 143 and Biechman Rd., Coeymans

Subdivision that is a lot line adjustment between two adjacent residential parcels. One lot with 2.13 acres will transfer .33 acres to an adjacent lot, originally 1.11 acres. No changes are proposed to the access of either property to a town road. An agricultural data statement is included in the file.

Cases recommended for modification:

Case #: 7-140802017

Susan Coleman/Afrim's soccer complex

969 Watervliet Shaker Rd, Colonie

Special use permit to allow construction of an air supported dome structure and attached lobby building for soccer/multi-use fields as an indoor and outdoor amusement use on 28.6 acres in the Commercial Office zone. The proposed project would include a 86,865 s.f. air inflated dome structure for indoor sports use, four outdoor soccer/multi-use fields, one 3,400 s.f. clubhouse building attached to the dome, and a maintenance building. Parking will be provided with 385 spaces in three separate parking lots. Access to the property will be to CR 157/Watervliet Shaker Rd. at the signalized intersection with Sand Creek Rd. This project was previously reviewed in August 2013, case #7-13/8/1770.

Staff Opinion:Modify local approval to include:

1.The Town should condition any approval of the special use permit with a description of the allowed uses that will fall under the applicant's proposed "multi-use" of the property. Multiple uses on a year round basis will be a traffic impact to the intersection of CR 157 and Sand Creek Rd. Multi-use activity times may have to be staggered to avoid negative traffic impacts.

2.The applicant will be required to install, at their cost, any modifications to the traffic signal including striping and roadwork as required by Albany County Department of Public Works.

3.The applicant should discuss the plan for lighting and the height of the dome structure with the Albany County Airport Authority due to the close proximity of the airport.

Advisory Note: The Town may want to consider hours of operation regarding the proposal if outdoor lighting is used for evening games.

Case #: 7-140802020

Mavis Discount Tire (curb cut removal)

745 Loudon Road/SR 9, east side of SR 9, south of the intersection of Loudon Road and Kunker Avenue, Latham

Site plan for renovations to an existing commercial property. There are two curb cuts to SR 9 that are existing. The curb cut on the south side will be removed, parking spaces will be added in its place. There will be eight spaces across the front of the site, three spaces on the north side and nine spaces on the south side. No changes are proposed for the building.

Staff Opinion:Modify local approval to include:

1.A permit will be required from NY State Department of Transportation for the closing of the curb cut.

Case #: 1-140802032

Harmony Prima Lofts, LLC - use variance

1373 Broadway, across from Wolfert Ave, Albany

Use variance to allow construction of recreational facilities and accessory structures for an existing building that will be converted into apartments. The building is the vacant Albany International property. The accessory structures will be a mail delivery building, garages for the apartments, salt storage building, tennis court, and a deck at the existing pond. The property is divided by the municipal boundary between the City of Albany and the Village of Menands. The apartment building itself is located within the Village of Menands as is allowed by special permit in the zoning. The zoning for the Albany side of the property is manufacturing. The size of the property is 4.8 acres within the City of Albany.

Staff Opinion:Modify local approval to include:

1.Notification and coordination should be made with the Village of Menands for decisions from the City Zoning Board for the project.

Case #: 1-140802034

Harmony Prima Lofts, LLC - site plan

1373 Broadway, east side of Broadway, across from Wolfert Ave, Albany

Site plan for construction of a storage shed, service building, multi-car residential garages and outdoor recreational facilities as accessory uses to the conversion of an existing building to apartments. The apartment building itself is located in the Village of Menands, because the property is divided by the municipal line. The property within the City of Albany is 4.84 acres and includes an existing access driveway to Broadway, internal driveway, parking lot and pond. The access and pond locations will not change, but parking and green space will be reconfigured.

Staff Opinion:Modify local approval to include:

1.Notification and coordination should be made with the Village of Menands for decisions from the City Planning Board for the project.

2.The stormwater management plan should be reviewed by both the City and the Village and coordinated with necessary notification to or permits from NYSDEC.

3.It should be noted that the proposed daycare center may require review by and any necessary permits from the NY State Office of Children and Family Services. The City should determine if coordination is needed on that permit since the play area is within the City portion of the property.

4. Notification and review by the local fire department to determine if there is adequate access to the site for emergency vehicles since the internal access driveways are being reconfigured within the City side of the property.

5. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.

Case #: 1-140802035

Lawrence H. Mokhiber - site plan

366-370 South Pearl Street, northeast corner of Pearl & Gansevoort St., Albany

Site plan to construct a 3,050 s.f. commercial retail building and demolish an existing 1,400 s.f. building in the commercial zone. The new building requires area variances (see related case on this agenda #1-14/8/2037). Six parking spaces will be provided. Access is provided from South Pearl Street.

Staff Opinion: Modify local approval to include:

1. The City should review the proposed stormwater management that shows an underground retention system. The adjacent property to the rear is a NYS DEC designated brownfield site.

Case #: 4-140802036

Slingerlands Telecommunications Facility

457 SR 85, west side of SR 85, between Vista Blvd and Maher Rd., Slingerlands

Site plan and special use permit to allow construction of a 120' telecommunications tower including related equipment area (55' x 55' compound) on the ground and a 12' wide, 1,100' access road from SR 85. An area variance for height has been granted by the town and was previously reviewed (ACPB case #4-14/6/1976).

Staff Opinion: Modify local approval to include:

1. Notification of this application should be provided to any municipality in the effective service area of the proposed facility in order to facilitate intermunicipal coordination and potential co-location for future telecommunications facilities.

Case #: 16-140802047

The Village Animal Clinic/Holly Cheever

70 School Rd/CR 208, west side of CR 208, across from Prospect St., Voorheesville

Area variance from the rear yard setback to allow an addition to an existing commercial building used as an animal clinic. An addition of 16' x 55' will be made to the rear of the building creating a 34' setback where 50' is required. An addition of 16' x 32' will also be made to the front of the building, but setbacks are met in the front. No changes are proposed to the access to CR 208.

Staff Opinion: Modify local approval to include:

1. The Village should ensure that adequate parking will be available on the property with the expansion of services to the site. There should be no parking along the county highway.

A motion was made by Ben Syden to consider the cases for Defer to Local Consideration from the September meeting agenda and approve as is. There were 14 cases for defer. Bill Anslow asked that case #7-140902051 be pulled out and discussed last. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case #: 1-140902021

Maple Development Group, LLC/418 South Pearl Rezone

418 South Pearl Street, east side of South Pearl St., approx. 25' north of 2nd Ave., Albany
Rezoning of 1.5 acres from M-1 General Industrial to C-1 Neighborhood Commercial to allow construction of an 8,000 s.f. retail store (Family Dollar). The previous buildings on the site were demolished. Adjacent properties are a mix of industrial warehouse uses and residential uses. Route 32 and 787 are at the rear of the property.

Case #: 7-140902045

Trader Joes - Parking Expansion

79 Wolf Road, east side of Wolf Rd, south of Sand Creek Rd, Colonie

Site plan to construct an additional parking lot at the rear of an existing shopping center. The parking lot will be built on a .33 acre parcel that is being merged from an adjacent property. The parking lot will have 32 parking spaces that applicant states will be primarily used for employees. The lot is located at the rear of two buildings in the shopping plaza. There is a loading dock area in between the proposed parking lot and the pavement area that leads to the front of the building. Applicant also proposes to change curb islands in the parking lot in the front and restripe the lot for angled parking.

Advisory Note: It may be advisable to include a painted pedestrian walkway on the pavement from the new parking lot at the rear of the building to the front of the building for safety reasons. It is not an optimal design to have pedestrians walking around the loading dock area to access the front of the shopping plaza; especially if overflow customers park in the rear parking lot.

Case #: 7-140902046

A-Metro Self Storage (solar panels)

889 Troy Schenectady Road/SR 7, north side of SR 7, between Mill Road and Knadler Drive, Colonie

Site plan for the addition of solar panels to the roof of an existing commercial building and placement of related inverter equipment on the ground next to the building. No changes to the access to SR 7 are shown.

Case #: 1-140902049

Fais Dos-Dos Hospitality, LLC

388 Broadway, southwest corner of Broadway and Howard St., Albany

Area variance from sign regulations to allow the exterior edge of a projecting sign to extend 6' from the building facade where 5' is allowed by code. The sign for applicant's restaurant is hung from a bracket that extends from the facade.

Case #: 4-140902050

National Bank of Coxsackie

331 Route 9W, west side of Rt 9W, north side of Bender Ln, Glenmont

Area variance from the sign regulations to allow an addition of a third sign to the existing commercial building where only two building signs are allowed by code. The third sign would be located above the front door of the building.

Case #: 1-140902052

Tribeca 897, LLC

897 Broadway, east side of Broadway between N. Ferry and Thacher St., Albany

Use variance to allow a restaurant tavern use in an existing warehouse building to be renovated. The applicant also proposes using part of the building as a wholesale brewery which is an allowed use in the

C-M, light industrial district. Applicant states that parking will be provided with an agreement with others. There are similar uses in the immediate neighborhood.

Case #: 7-140902055

Frank Poletto

13 Lishakill Road, south side of Central Ave, Albany

Use variance to allow construction of a four unit multifamily dwelling and a six car detached garage in the commercial, office, residential zone. The property currently has a four unit multifamily dwelling and storage building. Access is to a town road. Adjacent properties are residential and commercial.

Case #: 10-140902059

Philip Roberts

1971-73 Western Avenue/SR 20, northeast corner of Western and Alvina Blvd., Guilderland

Special use permit to allow an addition (750 s.f.) to an existing storage building on a commercial property. The storage building is located at the rear of the site.

Case #: 2-140902062

Todd Dube

183 Maple Ave/CR 253, northwest corner of CR 253 and Sunset Dr., Altamont

Subdivision of .8 acres into two lots for residential use. Lot 1 will be 17,329 s.f. and will be available as a single family home lot. Lot 2 will be 17,500 s.f. and has an existing residence with a driveway to CR 253. Both lots will be less than the required minimum lot size of 20,000 s.f., but similar size lots are adjacent to the properties.

Advisory Note: 1. The Village should note that the future driveway for lot #2 should be to the local street, Sunset Dr., and not to CR 253/Maple Ave. extension. Albany County Department of Public Works encourages residential driveways to access local roads if possible.

2. If the 5' wide strip provided along the proposed property line is for access to the cemetery in the rear it may be more practical to provide that access along the rear lot line of lot #1 from Sunset Drive.

Case #: 16-140902064

Village of Voorheesville - Zoning code amendment

An amendment to the Village zoning code under Articles VII, XI, XIV, and XIX making deletions and additions in regards to front yards, fences, non-conforming uses and special regulations.

Case #: 17-140902065

Cellco Partnership/Verizon Wireless

1545 Broadway, Watervliet

Site plan and special use permit to allow installation of telecommunications equipment on the rooftop of an existing nine story building. There will also be accessory equipment located on the ground level adjacent to an existing building equipment area. The rooftop equipment will include twelve antennas and an equipment shelter.

Case #: 2-140902066

Zachary Cowan

104 Maple Ave, northwest corner of Maple and Main St. Altamont

Special use permit to allow an existing building to be used by an insurance agency. The space was previously used for a video production studio. Parking is provided in a public lot and on the street.

Case #: 13-140902067

Lucio DiCarlo/Onesquethaw Fire House

2049 Delaware Turnpike/SR 443, south side of SR 443, 150' east of CR 301, Clarksville

A subdivision that is an equal land exchange between two adjacent properties in order to make them more usable. The firehouse property that fronts on CR 301 will give .283 acres of land at the rear of their parcel that fronts on SR 443 to the residence of DiCarlo along SR 443. The rear end of the property of DiCarlo that fronts on CR 301 (.283 acres) will be given to the firehouse. No changes to access for either property is shown.

Case #: 7-140902051

Albert & David Hannoush

303 Osborne Rd/CR 154, northwest side of CR 154, between Helen Terrace and Maple Ln. north, Colonie

Use variance to allow a multifamily development in a single family zone. The proposed development would be a 70,000 s.f. building with 75 units and 143 parking spaces. A stormwater management basin is also planned for the site. The applicant states that the apartment building is two stories with ground level basement parking. The access to the development would be to CR 154/Osborne Rd. The applicant has a geotechnical evaluation from 2008 that states that the property was at one time a gravel pit and was filled to the existing grades sometime after 1980. The evaluation was based on the proposal to build a single family home. Applicant has a cost of remediation statement from a construction firm based on the geotechnical evaluation in order to build the current proposal for an apartment building. Staff opinion: 1. It is the jurisdiction of the local municipality to determine zoning regulations within its borders. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

Advisory Note: The town should consider the precedent setting nature of an approval for the project size without a more detailed summary of costs associated with the proposed density level. If approved by the town, the applicant will need to provide a traffic analysis to AC DPW for the impact to CR 154/Osborne Rd.

Bill Anslow explained the location of the project on CR 154 and how he thought the project was very different from the surrounding neighborhood. There was discussion by the board. Leslie explained the local consideration for use variance criteria that would be taken into account. Ben Syden thought that should be more explicit in the recommendation and suggested a change to staff opinion that would include language on the use variance criteria "1. It is the jurisdiction of the local municipality to determine zoning regulations within its borders by measuring the application for a use variance to the criteria established under NYS Town Law. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration."

A motion was made by Ben Syden to accept staff opinion for defer to local consideration with the changes discussed for rewording for clarification purposes. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

GML CASES RECOMMENDED FOR MODIFICATION

Case #: 7-140902054

Starbucks (in Latham Plaza)

1210 Troy Schenectady Rd/SR 7, south side SR 7, east of intersection with Vly Rd. Latham
Site plan for construction of a 3,200 s.f. commercial building with two tenants; including a fast food restaurant with a drive thru lane. There are 26 parking spaces provided. The building will be on a leased, one acre piece of property within a 5.85 acre proposed shopping plaza. The shopping plaza is undergoing separate review and approval. ACPB previously reviewed Latham Plaza in July of 2014 (case #7-14/7/1996).

Staff Opinion:Modify local approval to include:

1.Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

2.A notification of the application should be sent to the adjacent Town of Niskayuna.

3.Highway work permits from NYS DOT will be required for work within the right of way of SR 7.

4.Stormwater management planning and permits will need to be coordinated with the larger shopping plaza development approvals.

5.Review by the Albany County Department of Health for food service and other required permits.

Meeting adjourned at 4:15

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

Case #: 4-140902056

Delmar Pointe Subdivision

Delaware Ave/SR 443, north side of SR 443, east of Fischer Blvd., Delmar

Subdivision of 23.5 acres to allow 46 townhome units in 23 buildings and a single family home parcel of 2.28 acres. The property was previously approved for a rezoning to a Planned Development District (PDD) with 46 units and one single family lot,(ACPB case #4-12/12/1601). There are 12 buildable acres on the property. A significant portion of the site has ACOE wetlands and steep slopes. There are two access points proposed to SR 443; one for the single family home and one for the townhouse development. An adjacent office building parking lot will be given access to the townhouse development driveway. Several stormwater management areas are shown on the plans.

Staff Opinion:Modify local approval to include:

1.Approval by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

2.Review by Albany County Department of Health for realty subdivision required permits.

3.Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

4.A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared is being implemented or submission of a Stormwater Pollution Prevention Plan that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-10-001, January 29, 2010) for construction activities that disturb more than one acre of land.

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

Case #: 10-140902058

YMCA of the Capital District

3714 Carman Road/SR 146, west of SR 146, across from Rainbow Dr., Guilderland

Special use permit to allow a preschool to operate in an existing church building. No food service will be provided. The preschool has operated in the church previously, but due to extended hours a state licence is required.

Staff Opinion:Modify local approval to include:

1. Review by and any necessary permits from the NY State Office of Children and Family Services.

Advisory Note: Any outdoor play areas should be fenced due to the location along SR 146.

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

Case #: 10-140902060

Christ Lutheran Church

1500 Western Avenue/SR 20, southeast corner of SR 20 & East Highland Dr., Guilderland

Special use permit to allow an after school child care program to operate in an existing church building. The program will be for 40 children from 2:30-6pm. School buses will bring children to the site. There is an existing parking lot at the rear of the building with access to a town road.

Staff Opinion:Modify local approval to include:

1. Review by and any necessary permits from the NY State Office of Children and Family Services.

Advisory Note: Any outdoor play areas should be fenced due to the location along SR 20.

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

Case #: 10-140902061

Nichole Gialanella

1422 & 1424 Western Avenue/SR 20, southeast corner of SR 20 & Westlyn Ct, Albany

Area variance and special use permit to allow demolition of an existing single family home and partial demolition of an existing dental office to construct a new 4,150 s.f. dental office. Variances are needed from front and rear yard setbacks however the existing dental office building does not meet the required setbacks. There are two existing driveways to SR 20 which will be consolidated into one. The driveway to the town road will be eliminated. A variance is needed from parking requirements as well. Applicant states that only 26 spaces are needed where 36 are required. A banked parking area is shown with future access to the side street.

Staff Opinion:Modify local approval to include:

- 1.Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

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

Case #: 8-140902063

Cole's Collision Center

1517 Central Ave/SR 5, north side of SR 5, west side of the off ramp for Northway exit 5, Colonie
Site plan for demolition of an existing motel and construction of an 18,000 s.f. auto body shop with parking for 98 cars. The access to the site will be to SR 5 on the westerly side of the property, which is still in close proximity to the exit ramp from I-87 to Central Ave. which makes a left turn from the property to Central Ave difficult. Access to a local street at the back of the property for left turns was requested by NYS DOT and was granted through a variance by the Village Zoning Board.

Staff Opinion:Modify local approval to include:

- 1.Continued review and approval by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

- 2.Any work within the right of way for SR 5 will require a highway work permit from New York State Department of Transportation.

- 3.Review by Albany County Department of Health for the oil water separator.

- 4.The applicant will need to meet the requirements for a redevelopment project under the NYS Stormwater Manangement Design Manual.

There was no motion made to vote on this case. Ben Syden, as an employee of Laberge, has a conflict of interest and cannot vote; therefore there is no quorum present to pass a motion.

Case #: 3-140902068

Douglas and Dorothy Fisher

44 Triangle Rd, west side of Triangle Rd at intersection with Elm Rd, East Berne
Subdivision of 140 acres into two lots. One lot will be 9.89 acres and has a proposed single family home. The second lot will be the remaining acreage, 130.11 acres. Access is to a town road. An agricultural data statement is included in the file and an agricultural district note is included on the plat.

Staff Opinion:Modify local approval to include:

1. The location of wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the land.

2. The land owner of the subdivision should notify purchasers of the lots that they must prepare a SWPPP for erosion and sediment control, if construction will disturb more than one acre of land. (Disturbance includes the driveway for a single family home and a septic field.) This is part of NY SPDES GP-0-10-001. The DEC website has more information.

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

Case #: 3-140902069

Patrick Lounsbury & Patrick Golden

324 Sawmill Rd., east side of Saw Mill Rd, approx. 200' west of Locust Ln, East Berne

Subdivision of 21.8 acres into two lots. Lot 1 will be 16.07 acres and is vacant. Lot 2 will be 5.74 acres and has an existing house. Lot 1 will have access by a easement to a town road. Lot 1 is also bisected by a gas line easement.

Staff Opinion:Modify local approval to include:

1.The subdivision plat should include a note that the property being subdivided is located within 500' of a farm operation in the County Agricultural District as per Albany County Right to Farm Law 2007.

2.Submission of an agricultural data statement to the Town as required by Town Law for site plan, special use permit, use variance, and subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.

Advisory Note: Since lot #1 only has access by way of an easement over lot #2 and an adjoining property there should be a shared maintenance agreement between the property owners.

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

Meeting adjourned at 4:15.

The Albany County Planning Board will meet again on Thursday, October 16, 2014 at 3:30 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, New York 12186.