

Minutes
Albany County Planning Board
June 19, 2014

Present:

Michael DeVall, Chair, Dominic Rigosu, Vincent McArdle, Ben Syden, Bill Anslow, Tim Garufi, David Reilly

Albany County Planning:

Leslie Lombardo

Secretary:

Janis Dunham Relyea

Guests:

Christopher Longo, Redburn Development, Watervliet

Approval of Minutes:

A motion to accept the minutes from the May 15, 2014 meeting was made by Dominic Rigosu. The motion was seconded by Vincent McArdle and unanimously approved by the board.

A motion to add the addendum to the agenda was made by Ben Syden. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

A motion to move case #17-140601991 to the front of the agenda was made by Vincent McArdle. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case # 17-140601991

Redburn Development, LLC

122 Second Street, Watervliet

Site plan to renovate an existing industrial building into 62 residential units with 74 parking spaces. Applicant is also requesting a special use permit to allow a commercial solar energy tenant on the rooftop. Solar panels will be installed for energy use by the building and excess energy sold to the grid. There is an existing parking area on the site that will be used for the new parking lot. An area variance is also required for the total number of units allowed. Zoning for the district allows 30 units per acre; applicant requests 62 units on 1.46 acres. The units are within the existing building.

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to the adjacent Town of Colonie.

Bill Anslow asked about the number of parking spaces, why there are only 74 parking spaces for 64 units. Christopher Longo explained the parking calculations for the project per code, the City allows reductions for on street parking availability. The apartments are studios, 1 bedrooms and some 2 bed room.

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

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

A motion was made by Ben Syden to consider the cases for Defer to Local consideration and to approve as is. There were **8** cases. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case 4-140601969

Bethlehem Town Center II – sign
24 Route 9W, Glenmont

Area variance from maximum sign square footage to allow a replacement sign for an existing shopping plaza. The existing sign is 75 s.f., the replacement sign is proposed for 113 s.f and town code allows 100 s.f. The location of the sign will be the same.

Case # 7-140601972

John Eno

1 Lansing Road South, Colonie

Area variances from the side yard setback and total side yard requirements to allow construction of a single family home with 7.9' side yards where 10' are required and less than 25' minimum total side yard requirement. Access is to a town road.

Case # 7-140601975

Philly bar & Grill (addition)

622 Watervliet Shaker Road/SR 155, Colonie

Site plan for construction of a 2,222 s.f. addition to an existing restaurant. No changes to the access to SR 155 are shown.

Case # 4-140601796

Phoenix Towers – variance

1219 New Scotland Road/SR 85, Slingerlands

Area variance from maximum height restrictions for telecommunications towers to allow construction of a cell tower with a height of 120' where 105' is allowed. The tower meets the required setback requirements. The facility will be located on a vacant, wooded property with access to SR 85.

Case # 4-140601977

Arlene Martley

5 Blessing Road, Slingerlands

Area variance from town code for swimming pool location requirements. Code does not allow pools in the front yard but property is a corner lot with two front yards. Pool will be located on the side of the house.

Case # 7-140601979

Frank Poletto/F & P Builders

6 Madison Ave, Colonie

Area variances from minimum lot size, lot width and front yard setback to allow construction of a single family home on a vacant lot on a town street. Minimum lot size required is 12,000 s.f. 5,000 s.f. is given; lot width required is 75', 50' is given.

Case # 7-140601983

Keeler Honda – Addition

1111 Troy Schenectady Road/SR 7, Colonie

Site plan for a 1,075 s.f. building addition to an existing customer service center at an auto dealership. The purpose is to create a third lane for the existing customer service write up area. There will be no changes to the drainage patterns on site that flow to an existing detention basin. No changes to the access to SR 7 are proposed. No new parking requirements are needed for the use.

Case # 10-140601987

New Cingular Wireless PCS, LLC

3045 Lone Pine Road, Schenectady

Special use permit to allow colocation of telecommunications equipment on an existing town owned water tower. The equipment will include nine antennas, cabling and ground level cabinets and a generator. The antennas will be placed on the support structure of the water tower and will not increase the height.

GML CASES RECOMMENDED FOR MODIFICATION

Case # 7-140601971

Green Renewable Waste Facility

191 Watervliet Shaker Road/SR 155, Colonie

Site plan to operate a recycling facility for yard waste on 5.8 acres of a larger former industrial site. Vehicles will bring yard waste to the site where it will be managed by source separation into piles. The piles will be managed on a daily basis. The area is accessible from existing paved areas that access Lincoln Ave that connects to SR 155. A stormwater management system is being planned for the operation. The adjacent City of Watervliet has been notified of the application.

Staff opinion is to modify local approval to include:

1. A Notice of intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-10-001) for construction activities that disturb more than one acre of land.

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

Case # 16-140601973

Uriah Corporation/Rauch

35 School Road/CR 208, Voorheesville

Use variance to allow construction of two duplex residences with a total of four units on two recently approved subdivision lots in the single family residential zone. The site plan shows two driveway accessing CR 208 on each lot. The property owner also owns two other adjacent lots. ACPB reviewed the property for subdivision twice in June 2013 and April 2014 (case #16-13/6/1721).

Staff opinion is to modify local approval to include:

1. Review and permits by the Albany County Department of Health for proposed septic systems on both lots.
2. Review by Albany County Department of Public Works for design of highway access, assessment of road capacity and drainage. ACDPW has concerns for multiple driveways proposed. There should be a greater distance between two driveways on each lot as well as a turnaround area provided so that cars are not backing out on to the county road. A single shared curb cut to the county road would be the preferred layout.

Advisory Note: The use variance criteria required for an approval from the local municipality does not appear to have been met. The Village should consider the precedent setting nature of allowing this type of use in the zone.

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

Case # 7-140601974

Hoffman Car Wash – Dumpster Pad/Enclosure
496 B Albany Shaker Road/CR 151, Colonie

Site plan for installation of a concrete pad and fencing for a dumpster at the rear of an existing commercial property. No changes to the access to CR 151 are proposed. There are two existing curb cuts, a right turn in and a two way access.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Public Works for design of highway access. The County has concerns for the adequacy and safety of the traffic control scheme on the site with the intersections with the county road.

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

Case #7-140601978

Central Crossings, Inc.
1917 Central Ave/SR 5, Colonie

Site plan for the front portion of a property to be used for display of modular homes, a sales office trailer and parking. The property is currently developed as a mobile home park in the rear. There are two existing curb cuts to SR 5 that will be used by both residents of the park and the commercial use in the front of the property. No changes to the existing curb cuts are shown. The Town ZBA granted a use variance for the proposal in 2013, ACPB reviewed it in August 2013 (case #7-13/18/1771).

Staff opinion is to modify local law to include:

1. Due to the additional use of the property the Town should consult with NYSDOT on the access to the site to determine if any changes are needed to the existing curb cuts.
2. The local fire department should assess the access to the site to determine the adequacy for emergency access.
3. A Notice of intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-10-001) for construction activities that disturb more than one acre of land.

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

Case # 7-140601980

Ninamarie C. Crisafulli

4232 Albany Street, Colonie

Site plan for construction of a vehicle parking facility with 243 spaces to be used by a nearby auto dealership for storage. The site is currently used as a contractor's yard and has encroached on the buffer to DEC wetland areas. Applicant states that a permit from DEC has been obtained for encroachment of the new development. The parking lot will be made of compacted stone material. Access to the property is from a town road. There will be a stormwater management system designed for the site. The property is located within the boundary of the Albany Pine Bush Preserve and is in close proximity to lands owned by the Nature Conservancy.

Staff opinion is to modify local approval to include:

1. Any wetland disturbance will require notification to and review by the NYSDEC under Article 24, Freshwater Wetlands.
2. A Notice of intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-10-001) for construction activities that disturb more than one acre of land.
3. Any comments by the Albany Pine Bush Commission should be considered due to the property location within the boundary of the Preserve's study area.

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

Case #15-140601982

United Methodist Church of Babylon

364 Willsey Road, Rensselaerville

Subdivision of 112.53 acres into two lots. Lot #1 will be 39.97 acres and shows a proposed house, septic and well. Lot #2 will be 72.56 acres and has an existing residence access to the residences will be from Willsey Road.

Staff opinion is to modify local approval to include:

1. The location of wells and septic for lot #1 should be evaluated by Albany County Department of Health as part of the subdivision of the land.
2. Submission of an agricultural data statement to the Tow 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.

Dominic Rigosu asked if a recommendation be added for the stormwater SWPPP for subdivisions if more than one acre is disturbed. It was agreed by the board that it should be added.

A motion to accept staff opinion with the addition of the standard recommendation language for the SWPPP for subdivisions was made by Vincent McArdle. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case # 4-140601984

25 Wemple Road, Glenmont

A proposed conservation subdivision that will create 51 single family residential lots and 16.7 acres of open space. (Under conventional subdivision for the zoning a potential for 89 lots would be allowed). One of the proposed lots has an existing dwelling. Ten lots are located within existing adjacent subdivision areas and have access to existing town road. Forty lots are being created in a clustered layout with smaller lot sizes on the west side of Wemple Road that will require longer town road extensions. The open space area lies in between existing residential development. Steep slopes and wetlands are included within the open space as well as an area of land set aside for a future town road that bisects the open space area. Stormwater management basins are included on separate lots within the proposed layout.

Staff opinion is to modify local approval to include:

1. Review by Albany county Department of Health for realty subdivision required permits.
2. 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.
3. Submission of an agricultural data statement to the town is required Town Law for site plan, special use permit fuse variance and subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.
4. A Notice of intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-10-001) for construction activities that disturb more than one acre of land.

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

Case 10-140601986

Bethel Full Gospel Church
7315 SR 158, Schenectady

Special use permit to allow an operation of a day care center in an existing building used by a church. The applicant states that the program will be an after school program for 40-60 children and 5 staff with the possible future increase to 100 children and 10 staff. The building has access to SR 158, has public water service and uses a septic system. Applicant indicates that school bus routes end near the property and will drop off students, but no details are provided for drop off area or bus circulation within the parking lot. Applicant states that buses will be from three different school districts.

Staff opinion is to modify local approval to include:

1. Review by Albany County Department of Health for adequacy of the existing septic area.
2. Notification of the application to the adjacent Town of Rotterdam.
3. Notification to the local fire department.
4. Review by and any necessary permits from the NYS Office of Children and Family Services.
5. The town should consult NYSDOT for adequacy of the existing driveway turning radius and width for regular use by school buses.
6. The town should ensure that there is adequate parking, a safe drop off area and a designated circulation pattern on site for buses and cars due to the large number of children proposed for the program.
7. If any food service is provided than a review by the Albany county Department of Health for food service and other required permits.

Advisory Note: The Town may want to require fencing for the outdoor play area that was indicated by the applicant.

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

Case # 16-140601989

Daniel Dergosits
18 Foundry Road, Voorheesville

Special use permit to allow recreational vehicle sales and service shop in a garage building with an associated parking lot in the industrial zone. The new garage building will be 40'x28', there are five parking spaces shown in front of the building, there is an existing residence on the property and septic system. Access is to a local street. There is a ACOE jurisdictional wetland at the rear of the property.

Staff opinion is to modify local approval to include:

1. The Village should ensure that groundwater and wetland areas in close proximity to the garage will be protected from any vehicle fluids that may seep or spill storage areas for vehicles being repaired on the property. Proper storage areas for vehicles on impervious surfaces is needed.

2. The property owner should be aware that any wetlands disturbance will require notification to and review by US Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

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

Case #15-140601990

Carey Institute for Global Good

100 Pond Hill Road, Rensselaerville, NY

Special use permit to allow an existing building on the campus of the institute to be used as a licensed farm brewery (under NYS law alcohol beverage control 51-a) for both an educational and commercial operation. Applicant states that Department of Health does not have jurisdiction over the brewery, that water supply on the site is sufficient and that waste water will be filtered before discarded. There is an existing parking area next to the building and access is to a town road.

Staff opinion is to modify local approval to include: Michael DeVall said that there was an added recommendation (#2) to the draft recommendations as per an email from DEC this afternoon regarding the referral.

1. 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.
2. Notification to the New York State Department of Environmental Conservation (NYSDEC) to determine if the existing SPDES permit for the property will need to be modified due to the additional disposal of wastewater.

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

Case #10-140601981

Armand Quadrini/Ashford Drive LLC

Kraus Road, Guilderland

Rezoning of 6.12 acres from Residential Overlay 40,000 s.f. (RO-40) to Multiple Residence (MR) to allow construction of two multi family buildings with a total of eight condominium units. The property would be subdivided into two lots, one lot for a single family home (2.66 acres) with a driveway from Malpass Rd and one lot for the multifamily buildings (on 3.46 acres) with access to Ashford Drive. The multifamily units would be adjacent to existing multifamily units within the Oxford Heights development. The property has a large wetland area (ACOE wetlands) and acts as the natural drainage flow area for adjacent properties. The water collects on site and naturally drains from this property to the east in the direction of Chainik Drive and Johnston Road/CR 203. The increasing drainage flow along CR 203 has been an ongoing difficulty for many years due to expanding development and the filling of wetlands by property owners along CR 203. In addition; the town recently approved a subdivision northeast of the applicant's property along Homes Terrace that included a drainage easement that allows water to flow south of Homes Terrace into the drainage area behind Chainik Drive which is directly adjacent to the property subject to rezoning.

Staff opinion is to modify local approval to include:

1. While the County Planning Board recognizes that the requested multifamily units are in keeping with surrounding properties and may be acceptable as a rezoning request, the County has concerns for the watershed in this area of the town that includes the drainage system along CR 203. This property is a key component in the drainage for surrounding properties as the wetlands on the site are interconnected to adjacent wetlands and adjacent drainage systems. Any approval for proposed development on this property should be given with conditions to establish that stormwater drainage from the property will not be increased to adjacent properties that will ultimately negatively impact CR 203.

The County is concerned that the proposed development will not trigger the requirements for a stormwater management plan on this property because it appears that there will be less than one acre of disturbance. However, given the topography of the site, the wetlands, the existing drainage flow pattern, and ongoing drainage complaints from residents along CR 203 to AC DPW any new development that directs drainage into the existing wetland may tip the scale of stormwater flow to adjacent properties and the drainage system along CR 203. Therefore this rezoning request in addition to any Town Planning Board approvals for site plan should be conditioned with no increase to stormwater flow from the property to adjacent lands, due to the current at capacity condition of the surrounding drainage system.

2. A deed restriction should be included for no more development than that which is shown on the proposed plan; one single family residence on lot #1 and two 4 unit dwellings on lot #2. No further subdivision of the lots should be allowed.

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

Case # 4-140601985

Midland Avenue Subdivision/Alex Leibowitz

11 Midland Avenue, Albany

Subdivision of 1.82 acres into three lots for residential use. Lot #1 is .50 acres, lot #2 is .59 acres and has an existing residence, lot #3 is .53 acres. Lot #1 has a proposed driveway to CR 204. There is a steep embankment along CR 204 at the location of the driveway. This property was previously reviewed for subdivision by ACPB in April 2014 where all three lots showed proposed access to Midland Ave. (ACPB case #4-14/4/1938). The property lies within an older filed subdivision with paper streets known as Westland Park. Property deeds and a subdivision map for an adjacent subdivision approved by the Town in 1997 explain rights of access for surrounding properties to the paper streets, including Elmwood Avenue on the south side of applicant's property.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Public Works for design of highway access if modifications to the existing access at Elmwood Ave. and Russell Rd. are required. Existing access meaning the driveway that utilizes Elmwood Ave at Russell Rd.

2. Any work within the County right of way for infrastructure improvements will require a highway work permit.

Advisory Note: While the ACPB does not have an issue with subdividing the property into three lots, the Albany County Department of Public Works has major concerns about permitting a driveway access on to Russell Rd. /CR 204 due to the steep embankment along CR 204, the sidewalk, and the amount of fill required to build a safe access point.

As an alternative for lot #1 accessing Midland Ave., the town road, as shown in the original subdivision plan submitted in April to ACPB; access can be made to Elmwood Ave. A 1997 subdivision of adjacent lands explains rights of easement for purposes of access for property as shown in applicant's subdivision (see attachments Westland Park subdivision and deeds). A driveway for lot #1 to Elmwood Ave. would be a better, safer and less costly alternative than direct access to Russell Rd/CR 204.

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

Leslie Lombardo addressed the board regarding a request from the City of Albany planner to extend the list of non-referrals that was originally set up in 2007 with resolution # 446 "Authorizing an agreement regarding the exemption of certain matters from referral to the Albany County Planning Board". The City of Albany has requested that more items be added to that list. There was discussion on the matter. The Board agreed that Leslie should research what other items have been consistently sent back as defers to local consideration and could be considered to be added to the non-referral list.

Meeting was adjourned at 4:25 p.m.

The next Albany County Planning Board meeting will be held on Thursday, July 17, 2014 at 3:30 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186.