

**Minutes**  
**Albany County Planning Board**  
**October 16, 2014**

**Present:**

Michael DeVall, Chair, Dominic Rigosu, Ben Syden, Paul Cooney, Tim Garufi, Bill Anslow,

**Albany County Planning:**

Leslie Lombardo

**Guests:**

Daniel Hershberg, Donald Zee, Jon Grant

**Approval of Minutes:**

A motion to accept the minutes from the September 22, 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 #1-14/10/02097 and #1-14/10/02098 to the front of the agenda to accommodate the guests was made by Dominic Rigosu. The motion was seconded by Ben Syden and unanimously approved by the board.

**Case #: 1-141002097**

Applicant: 1385 Washington Avenue, LLC

1385 Washington Avenue, North side of Washington Ave., between the main entrance and the eastern entrance to East University Dr. at U. Albany campus, Albany

Area variance, special use permit, and parking lot permit to allow construction of a six and a half story, 192 bed student housing structure. The existing hotel building (Red Carpet Inn) on the site will be demolished. Applicant states that the building will be the same use as #1475 Washington Avenue, which is proposed as a privately owned and maintained student housing facility. It offers one year leases, and is "solely or primarily housing for students from SUNY Albany campus". A special use permit is required because the city code defines dormitory as a facility operated by an educational institution. The City Zoning Board interprets the facility as a single room occupancy facility (SRO) allowed by special use permit. A variance from maximum height is needed to allow a 65' building where 35' is allowed. Parking will be provided for 143 cars at ground level in both a surface parking lot and a parking structure. The SRO parking requirements would be 48 spaces. The building is proposed on 1.8 acres of land and shares access to Washington Avenue and parking spaces with an adjacent hotel property. The existing driveway to Washington Ave. is approximately 250' west of a traffic signal at the intersection of East University Drive; a campus roadway for University at Albany. There is a pedestrian crosswalk at the signal where the road is six lanes across. There is no mid-block pedestrian crossing accommodation. The project will require a site plan review.

**Staff Opinion:** Modify local approval to include:

1. Since it appears that the previous hotel to be demolished shared parking with an adjacent hotel, the City should ensure that there will be enough parking spaces provided for both adjoining properties.
2. Coordination with the University of Albany Campus Planning Office for pedestrian access and safety accommodations. The requested special permit for the use of the proposed building as

an SRO is tied directly to the use by University of Albany students as stated by the applicant. Therefore the special use permit approval should include safe pedestrian accommodations and access to the university. Consideration of a mid-block crossing should be given anticipating that students will take the most direct walking route to campus.

Michael DeVall asked if the guests wanted to comment. Dan Hershberg gave a brief presentation of the existing conditions and the proposed development project. Dominic Rigosu asked about the current shared parking arrangement with the adjacent hotel and what the proposed arrangement would be, would there be enough? Mr. Hershberg explained the proposed parking garage, surface lot, shared access driveway and available land area in the rear for any parking expansion if necessary. Bill Anslow asked how stormwater management would be handled on the site. Mr. Hershberg explained the current underground system that would remain and the porous pavement in the parking lot area. There were comments and discussion about existing pedestrian accommodation at the existing crosswalks and traffic lights at the entrance drives to the university. Mr. Grant commented that the fact that the new building is in between these crosswalks provides existing accommodation for pedestrians.

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 #: 1-141002098**

Applicant: Grant Ventures, LLC

1475 Washington Ave., north side of Washington Ave., on the east side of the east bound entrance ramp to I-90., Albany

Area variances, special use permit, and parking lot permit to allow construction of a four story, 292 bed student housing structure. Applicant states that the building will be privately owned and maintained, offering one year leases, and "solely or primarily housing for students from SUNY Albany campus". A special use permit is required because the city code defines dormitory as a facility operated by an educational institution. The City Zoning Board interprets the facility as a single room occupancy facility (SRO) allowed by special use permit. A variance from maximum height is needed to allow a 50' building where 35' is allowed, front yard setback of 3' where 40' is required, a rear yard setback of zero where 30' is required, and 86% lot coverage where 50% is allowed. A parking garage will be located underneath the building for 145 cars. The SRO parking requirements would be 73 spaces. The building is located on 1 acre of land at the intersection of the I-90 exit and entrance ramps with Washington Ave and West University Drive; a campus roadway for University at Albany. There is a traffic signal at the intersection; which is six lanes across in width. The applicant is proposing a pedestrian barrier wall in the middle of Washington Ave in front of the building. The barrier appears to limit vehicular access to the property to right in and outs only. The vehicle exit for the proposed building uses an adjacent gas station property curb cut to Washington Ave. The project will require a site plan review.

Staff Opinion: Modify local approval to include:

1. Due to the significant variance requests the zoning board should consider the review and comments regarding sewer and water connections and stormwater management planning feasibility in order to ensure that the infrastructure can accommodate the proposed size of the building and impervious cover on the site before approval.

2. Coordination with the University of Albany Campus Planning Office for pedestrian access and safety accommodations. The requested special permit for the use of the proposed building as an SRO is

tied directly to the use by University of Albany students as stated by the applicant. Therefore the special use permit approval should include safe pedestrian accommodations and access to the university.

**Advisory:** The location of the project on the north side of Washington Avenue in close proximity to the intersection with I-90 opposite University of Albany campus poses significant pedestrian safety issues. While the applicant has proposed a pedestrian barrier in front of the building to prevent mid-block crossing it may be prudent for the City to consider other options. The applicant, the city and the university campus planning staff should work together to devise the pedestrian access and accommodations. The university may have other ideas not considered here that are used at other campus locations in the SUNY system.

The connection from this student housing building to the Nanotech facility and campus area further west on Washington Ave. should also be considered and discussed. It appears that at a minimum pedestrian accommodation at the six lanes intersection with I-90 and West University Drive are needed. A consultation with NYS DOT may be needed.

Michael DeVall asked if the guests wanted to comment. Dan Hershberg gave a brief presentation of the proposed development project. Bill Anslow asked how stormwater would be handled. Mr. Hershberg explained that an underground system would be used. Mr. Grant said there will be a courtyard on the back side of the building that will include green space. There was discussion about pedestrian access. Donald Zee explained discussions they had with the City yesterday and that the wall as shown on the plan was being discussed to be changed to a 4' fence and hedge in front of the building along the street to prevent students from crossing in front of the building. Further discussions would be had with the city traffic office. Paul Cooney asked about student parking and crossing Washington Ave. There was further discussion on parking provisions and Mr. Grant pointed out the fact that there are existing crosswalks on Washington Ave. Leslie asked if there had been any discussion with the city to provide count down timers on the crosswalks. Mr. Grant said they would be willing to provide those.

Ben Syden made a motion to accept staff opinion with the addition of a recommendation to include countdown timers be considered for the crosswalks. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

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

Ben Syden made a motion to consider the 10 cases for defer to local consideration and approve as is. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

#### **Case #:7-141002072**

Sunset Recreation Inc.

1160 Central Avenue/SR 5, south side of SR 5, 150' east of Kraft Ave., Colonie

Use variance to allow conversion of an existing commercial building (29,000 s.f.) used as a bowling alley to a grocery store. The property has existing access to SR 5/Central Ave. The Neighborhood, Commercial, Office, Residential (NCOR) zoning adopted by the town in 2007 does not permit a supermarket use in excess of 5,000 s.f. The proposed tenant is currently occupying a smaller building on Central Ave.

**Case #: 7-141002073**

Super 8 Motel (addition to parking)

681 Troy Schenectady Road/SR 7, north side of SR 7, 150' east of N. Wade Road, Colonie

Site plan to remove a tree stump and landscaped area to be replaced with five parking spaces in an existing parking lot of a commercial building. No changes to the access are shown.

**Case #: 7-141002075**

Good Shepherd Lutheran Church (addition)

510 Albany Shaker Road/CR 151, southeast corner of CR 151 and Shaker Elementary Drive, Colonie

Site plan for an addition (506 s.f.) to an existing church building for use as a kitchen. There is an existing kitchen in the building that will be removed and converted to restrooms. The addition will be at the rear of the building.

**Case #: 1-141002076**

Cafua Management, LLC

1007 Central Avenue/SR 5, north side of SR 5, across from Austain Ave, Albany

Special use permit, area variance from front yard setback and parking lot permit to allow construction of a fast food restaurant (2,200 s.f.) with a drive thru. There is an existing building on the site that will be demolished. The existing structure and surrounding buildings do not meet front setback requirements. Access to SR 5 will not change, but internal traffic circulation and parking will be redesigned. Stormwater management areas will be added; currently none exist on site.

**Case #: 1-141002077**

The College of Saint Rose

967 (aka 1001) Madison Avenue, north side of Madison, between Partridge and Main Streets, Albany

Special use permit to allow an existing building on a college campus in the residential zone to be converted from residential use to administrative offices and meeting space for the college. No changes to the vehicle access for the building are planned.

**Case #: 10-141002080**

Guilderland Vapor Outlet LLC

2027 Western Avenue/SR 20, northeast corner of SR 20 and New Karner Rd, Guilderland

Special use permit to allow 1,200 s.f. of an existing building to be used by a new tenant for retail sales. No changes to the streets access is proposed.

**Case #: 7-141002081**

Super Auto Care (parking expansion)

2067 Central Avenue/SR 5, between Atwood and Earl Avenues, Colonie

Site plan for an addition of 2,950 s.f. of pavement for 15 parking spaces to an existing parking lot of a commercial property. 1,440 s.f. of green space will be added at the rear of the property. No changes to the access to SR 5/Central Ave. are shown.

**Case #: 7-141002086**

Nia Cholakis/Latham Plaza

1210 Troy Schenectady Road/SR 7, south side of SR 7, east of Vly Rd, Latham

Special use permit to allow an outdoor patio use for a future restaurant in the old bowling alley building that is being redeveloped into a recently approved shopping center. The shopping center project was recently reviewed by ACPB in July 2014 (case #7-14/7/1994).

**Case #: 15-141002099**

Ronald Shelmerdine & Chris Christophorou

Crystal Lake Rd, end of road on left, Rensselaerville

Area variance from minimum lot size to allow a proposed subdivision that is a lot line change between two adjacent properties. Both lots are existing non-conforming lots within the RC-3 zone and will remain non-conforming after the proposed lot line changes. Tax lot #9 is .27 acres and tax lot #55.2 is .87 acres and is divided by a local road. Tax lot #55.2 will deed .25 acres on the east side of Crystal Lake Road along the waterfront to tax lot #9 as well as a 10' strip of land that will connect lot #9 to the waterfront piece of the property. After the lot line change lot #9 will be .52 acres and lot #55.2 will be .62 acres. Both properties have existing homes and access from local roads.

**GML CASES RECOMMENDED FOR MODIFICATION**

**Case #: 7-141002070**

Crisafulli Warehouse/Office

291 Old Wolf Road/CR 153, east side of CR 153, 250' north of Terminal Dr., Colonie

Site plan for construction of a 31,000 s.f. warehouse building with office space, loading docks and parking for 22 cars. Access to the site will be to CR 153. There are two stormwater management areas shown on the plan; one is along CR 153 and one is at the rear of the property. The property will use an on-site septic system.

Staff Opinion: Modify local approval to include:

1.Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity, and drainage.

2.Review and approval of the Stormwater Pollution Prevention Plan (SWPPP) by Albany County Department of Public Works Engineering.

3.Review by the Albany County Department of Health for waste water discharge permits.

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.

5.If a crane is used during construction then 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.

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 #: 10-141002079**

Oxford Heights, LLC

6203 Johnston Road/CR 203, northwest corner of CR 203 and Ilda Lane, Guilderland

Special use permit to allow construction of a 20 unit apartment building within an existing apartment complex. The building will be built in an area presently used for green space and parking. Parking for the new building will be underground. The building will be 2 and 1/2 stories. Applicant states in the EAF that stormwater will be directed into the established conveyance system which flows to the drainage system for CR 203/Johnston Rd.

Staff Opinion: Modify local approval to include:

1. Review and approval by the Albany County Department of Public Works for a utility permit for the connection of the stormwater drainage from the site into the catch basins for CR 203 as shown on the plan. Applicant will be required to provide a drainage analysis showing pre and post development calculations for stormwater flow. No additional stormwater runoff from this site can be accepted into the CR 203 drainage system.

**Advisory Note:** The town zoning board should be aware that the drainage system along CR 203/Johnston Rd is at or near capacity. Wetland areas located along the roadway that have acted as holding areas for stormwater in the past have been filled in over the years by property owners creating drainage issues for downstream property owners. As a result; continued build out of impervious surfaces within the watershed area, that includes this property, requires on site stormwater retention even if the proposed project does not meet the required threshold of one acre of disturbance as per the NY State stormwater regulations.

There was discussion by the board. Dominic Rigosu asked what provisions there were for stormwater. The utility permit from DPW to accept stormwater was discussed.

A motion was made by Ben Syden to **disapprove** based on the fact that he has heard repeatedly for years that the county road in this area cannot handle any more stormwater runoff. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

**Case #: 7-141002082**

Laguna Mobil (car wash addition)

610 Troy Schenectady Road/SR 7, southeast corner of SR 7 and Rensselaer Ave., Latham

Site plan for construction of a single bay car wash building on the site of an existing gas station and convenient store. There will be no changes to the existing access to SR 7. There are two, 1,000 gallon oil water separator tanks shown on the plan. The project includes a subsurface detention/infiltration system.

Staff Opinion: Modify local approval to include:

1. Review by the Albany County Department of Health for the oil water separator tanks.

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

**Case #:7-141002083**

Bunkoff General Contractors

900 Albany Shaker Road/CR 151, southwest corner of CR 151 and British American Boulevard, Colonie  
Site plan to renovate an existing commercial building for use as office and storage space. There is an existing parking lot that will be expanded to accommodate parking spaces. No changes are proposed to the access to a town road. A stormwater management basin is shown on the plan that discharges to an existing stream that is a tributary to the Shaker Creek on the east side of CR 151. The County is responsible for monitoring discharges to the Shaker Creek under County Local Law 7 from 2007. This property is situated at a higher elevation than CR 151 and adjacent wetland areas. The ACPB previously reviewed this property in September 2013 (case #7-13/9/1797) and noted concerns for drainage impact. The applicant proposed outdoor storage of machinery and equipment for a construction company in that review.

Staff Opinion:Modify local approval:

1.Albany County DPW Engineering has provided comments on the SWPPP. The applicant should be aware that the stormwater management system needs to be maintained to prevent illicit discharges pursuant to NYS DEC SPDES General Permit GP-0-10-002 and Albany County Local Law No. 7 for 2007 Prohibiting Illicit Discharges, Activities and Connections to the County Separate Storm Sewer System.

2.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 Paul Cooney to accept staff opinion. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

**Case #: 7-141002084**

James Cillis-669 SR 155

669 Watervliet Shaker Rd/SR 155, north side of SR 155, between Brookwood Dr. and post office, Colonie  
Use variance to allow a two family dwelling in the single family zone. The property will have a driveway to SR 155.

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

**Case #: 7-141002085**

James Cillis - 671 SR 155

671 Watervliet Shaker Rd/SR 155, north side of SR 155, between Brookwood Dr and post office, Colonie  
Use variance to allow construction of a two family dwelling in the single family zone. The property will have a driveway to SR 155.

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

**Case #: 4-141002088**

DG Bethlehem Solar facility

Bridge Street/SR 396, north side of SR 396, approx. 1200' east of Pictuay Rd., Selkirk,

Site plan for construction of a solar facility on 21 acres of a 79 acre town owned parcel in the Rural Light Industrial zone. The facility will be a 3 MW system made up of approximately 12,000 ground mounted solar modules. The system will be divided into two; one being a 2 MW system and one being 1 MW due to National Grid requirements. The facility will have two separately fenced areas and two equipment areas for inverters, transformers, and other accessory equipment. The facility will be built and maintained by a private company, an easement will be provided for the use of town land, and the town will receive a credit for power use from National Grid. There is an existing gravel roadway on the property that has access to SR 396. Applicant states that a SWPPP has been prepared. There are federal wetlands on the site. The property is located within close nautical proximity to the South Albany Airport runway.

Staff Opinion: Modify local approval to include:

1. Review by the New York State Department of Transportation for any changes that may be needed for the existing driveway access.
2. Notification to the local fire department to review adequacy for access of emergency vehicles.
3. Notification to South Albany Airport for potential requirements under FAA notifications for possible impact from glare to the airport runway approach.
4. 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.
5. 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.
6. 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.

**Advisory Note:** The town may want to consider an approval subject to a separate agreed upon decommissioning plan.

There was discussion by the board.

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

**Case #: 13-141002089**

Lauren Meacham

12 & 26 Orchard Path, east side of Koonz Rd, north of SR 85, New Scotland

Subdivision of 5.9 acres into two lots including a lot line adjustment. The municipal boundary of the Village of Voorheesville bisects the land. On the Village side of the land there is an existing 2.1 acre lot that will increase in size to 2.85 acres with a lot line adjustment with the adjacent parcel. The adjacent parcels are within the Village and the Town but will be combined for tax billing purposes and a new residence will be built (acreage will be 3.07). The Village will review the parcel for subdivision as well. Access for the lots is from a shared driveway to a local road.

Staff Opinion: Modify local approval to include:

1. Notification of the application should be given to the adjacent Village of Voorheesville.
2. The location of wells and septic should be evaluated by Albany County Department of Health for the proposed residence as part of the subdivision of the land.
3. There should be a shared access agreement including a maintenance agreement referenced in the deeds for all of the properties using the driveway to Koonz Road.

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 #: 13-141002090**

Blackbird Prime Properties

1990 New Scotland Road/SR 85, south side of SR 85, 200' west of SR 85A, New Scotland

Area variance from required minimum road frontage to allow a two lot subdivision. The existing property is a mobile home park on 33 acres with 65' of road frontage to SR 85 that includes an existing driveway. There is also a 13' wide strip of land that is a part of the property that fronts SR 85 further east of the driveway. Applicant proposes to divide the lot in two with the property line dividing the road frontage in half. Each lot will now require a variance to allow 32.5' of road frontage where 50' is required. One lot is proposed to be 10 acres and is vacant. The second proposed lot is 23 acres and has the existing mobile home park. No changes are proposed for the existing driveway to SR 85. No proposed development is shown for the proposed second ten acre lot.

Staff Opinion: Modify local approval to include:

1. There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties.

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 #: 13-141002091**

Mary Burnett

22 Toby Lane, end of Mason Lane, south side of SR 85, New Scotland

Subdivision of 11.8 acres into three lots. Lot 1 and 2 will be 1.5 acres and are proposed for residential use. Lot 3 will be 8.8 acres and has an existing residence. Lots 1 & 2 will have septic systems and may have access to public water with a water line extension. Access for the properties is to town roads.

Staff Opinion: Modify local approval to include:

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
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 Dominic Rigosu to accept staff opinion. The motion was seconded by Paul Cooney and unanimously approved by the board.

**Case #: 10-141002095**

Bernie & Sandra Roddy

4129 Western Turnpike/SR 20, north side of SR 20, between SR 158 and SR 397, Altamont

Subdivision of 91 acres into three lots. Lot 1 is 78.9 acres and has an existing residence, lot 2 is 6.7 acres, lot 3 is 5.5. acres. Lot 2 and lot 3 are planned for single family homes and will have access to SR 20 by an easement over an existing driveway that is already used by two existing residences. The property is located within the agricultural district.

Staff Opinion: Modify local approval to include:

1. Due to the fact that an additional two lots will be accessing the existing driveway; New York State Department of Transportation should have an opportunity to review the existing driveway for any changes that may deem necessary for the access to SR 20/Western Turnpike.
2. The local fire department should review the adequacy of the driveway and possible turn around area needed for emergency vehicles.
3. The location of wells and septic should be evaluated by Albany County Department of Health for the newly proposed lots as part of the subdivision of the land.
4. 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.
5. 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.
6. 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.

7. There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties.

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

Meeting adjourned at 4:40.

The Albany County Planning Board will meet again on Thursday, November 20, 2014 at 3:30 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, New York 12186.