

**Minutes  
Albany County Planning Board  
May 21, 2015**

**Present:**

Michael DeVall, Chair, William Anslow, Paul Cooney, Roland Graves, Dominic Rigosu

**Albany County Planning:**

Leslie Lombardo

**Secretary:**

Janis Dunham Relyea

**Guests:**

Dan Hershberg, Tom Fromberger, Rachel Rosen, Robert Osterhoudt

**A call to order:**

Micheal DeVall called the meeting to order at 3:31 pm.

**Approval of minutes:**

Dominic Rigosu made a motion to accept the minutes from the April 21, 2015 meeting. The motion was seconded by Paul Cooney and unanimously approved by the board.

A motion was made by Paul Cooney to hear cases 150502236, 150502237, 150502245, 150502270, 150502250, 1500502269 and 150502247 first to accommodate the guests. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

**Case # 7-150502236**

BFJ Affiliated Properties (2240 Central Avenue)

2240 Central Avenue/SR 5, southwest corner of Wilber Road and SR 5, Colonie

Special use permit to allow storage of automobiles on a property that is currently used as a car dealership. The existing building will be demolished and the property will be used as a parking lot storage area for the auto dealership located on an adjacent property (see referral #2245 on this agenda, Fuccillo Volkswagon). The parking lot will have 56 spaces. The use is allowed in the zone by special permit. Access to the site is from the side street, a town road.

Staff opinion is to defer to local consideration.

Michael DeVall asked if guests wanted to comment. Dan Hershberg did a brief presentation for the Fuccillo Volkswagon project that will include three referrals on this agenda (aka BFJ Affiliated). Bill Anslow asked who will maintain the porous pavement; Mr. Hershberg said the owner will maintain the pavement.

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

**Case # 7-150502237**

BFJ Affiliated Properties (2250 Central Avenue)

2250 Central Avenue, Colonie

Special use permit to allow the storage of automobiles on a property that is currently used as a parking lot for automobiles. The property will be used by the autodealership located on an adjacent property (see referral #2245 on this agenda, Fuccillo Volkswagon). The parking lot will have 161 spaces. The existing parking lot is a gravel surface; it will be replaced with porous pavement. The use is allowed in the zone by special permit. Access to the site is from the side street, a town road.

Staff opinion is to modify local approval to include:

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

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

**Case # 7-150502245**

Fuccillo Volkswagon

2240, 2242 & 2250 Central Avenue/SR 5, south side of Central Avenue, Corners of Nutwood & Wilbur Avenues, Colonie

Site plan for redevelopment of an existing automobile dealership that uses three different properties along SR 5. Several existing buildings on two separate parcels will be demolished. Adjacent smaller tax lots that make up the property at 2242 Central Avenue will be merged. A new 27,262 s.f. autodealership building will be built with surrounding parking lots for vehicle storage at 2242 Central Ave. Two other properties across the side streets from the auto dealership building will also be used for vehicle storage. A total of 356 parking spaces will be provided over the three properties. Applicant states that no tractor trailer trucks will off-load on the site. Vehicles will be off-loaded on another storage site and vehicles will be driven to the project location. This property is within the Lisha Kill GEIS study area. Access to all three lots will be from the side streets, not SR 5; however the applicant states that work will be done within the SR 5 right of way. Stormwater management practices will be included on the site. There is a special use permit from the zoning board required for the two properties that will be used for vehicle storage as part of the project approval; see case #7-15/5/2236 and 2237 on this agenda.

Staff opinion is to modify local approval to include:

1. A highway work permit from NYSDOT will be needed for any work done within the right of way of SR 5.
2. A notification of the application should be given to the adjacent Town of Niskayuna.
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-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

Michael DeValI asked if there were comments. Dominic Rigosu asked where the vehicles will be off-loaded; Mr. Hershberg said they will be off-loaded at the Kia Dealership just west of the site.

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

**Case # 1-150502270**

1 Columbia Place, corner of Spruce and Eagle Streets, next to AC Spruce Street garage  
Albany

Site plan for renovation of an existing office building (25,000 s.f.) into 22 residential units. A total of 11 parking spaces will be provided. The C-3 zone does not require off street parking. Access to the parking lot is from the rear of the building off Sheridan Avenue. This property is located less than 50' from the county owned parking garage at Spruce Street. The building at 1 Columbia Place had a partial structural collapse in August 2014 on the eastern side of the property. That section of the building has since been stabilized. Cracks in the foundation and wall on the west side of the building closer to the county owned building have also been noted by County Department of General Services and reported to the City in 2014.

Staff opinion is to modify local approval to include:

1.The City should ensure that any renovations or construction work at 1 Columbia Place does not negatively impact adjacent county owned property, the Spruce Street parking garage, or adjacent properties. A building stabilization plan should be a part of any site plan approvals.

2.The area of the site plan where the expanded parking is shown is steeply sloped. This is the same side of the property where tree removal is planned and where the partial building collapse took place. The applicant should provide a slope stabilization plan as part of the site plan approval.

Michael DeVall asked if guests wanted to comment. Dan Hershberg gave a brief presentation regarding the project. He said there are trees growing into the foundation, they believe that is what is causing the cracks in the foundation, and once the trees are removed they will do the work on the foundation. The Albany Fire Department feels they will have adequate access to the building. They also plan to put in access to dumpsters off Sheridan Avenue. The neighboring property has a sewer line leak and they will grant the neighbor access to fix the problem. The project does not require a SWPPP.

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

**Case # 1-150502250**

Norry Management Corporation – area variance

833 Broadway, east side of Broadway, between North Lawrence and Colonie Streets, Albany

Area variances and parking lot permit to allow expansion of existing parking areas both on site and off site from a total of 272 spaces to 366 spaces. The parking is related to a commercial office building that is existing on a site in the Central Business District zone C-3. The C-3 zone does not require off street parking, but the applicant states that it is needed for the viability of tenant space in the building. The proposed lot will have spaces with a width that is less than the required by code and will not provide tree islands or clearance for emergency vehicles at the rear of the building. (The site plan for the project is also on this agenda; see case #1-15/5/2269).

Staff opinion is to modify local approval to include:

1. Review and approval by the City Fire Department for adequate access for emergency response vehicles.

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

**Case # 1-150502269**

Norry Management Corporation – site plan

833 Broadway, east side of Broadway, between North Lawrence and Colonie Streets, Albany

Site plan for renovation of an existing office building (137,500 s.f.) that has one tenant occupying 25,600 s.f. and 111,900 s.f. to be renovated. The project includes the expansion of parking areas on site as well as across the street on a vacant lot and the addition of spaces on the street and restriping of spaces on street. Access to Broadway and side street will not change. The existing stormwater detention basin will be changed to a paved parking area. An underground stormwater detention system will be used instead. The applicant has provided a parking space analysis. There are area variances related to the proposed parking area (see case #1-15/5/2250 on this agenda).

Staff opinion is to modify local approval to include:

1. Review and approval for modification of the stormwater management system by the City stormwater management office and any related permits.
2. Review and approval by the City Fire Department for access for emergency services.

Michael DeVall asked if guests wanted to comment. Tom Fromberger of Hershberg Engineering addressed the board, went over the plan for the site. The project for parking provision will be done in 5 phases, acquiring different lots. There was discussion by the board; there were concerns and questions about parking and safety of employees walking to and from the remote parking areas at night. Applicant stated that there is a plan for security and plenty of lighting on the site.

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

**Case # 7-150502247**

Kevin Parisi/Aldi's Food Market

1881 and 1885 Central Avenue/SR 5, north side of SR 5, approx. 600' west of New Karner Road, Colonie  
Special use permit to allow a grocery store use within 200' of the single family zoning boundary line. A grocery store use is allowed in the COR zone, but this project requires the special use permit with a 104' setback to the zone boundary line with residential. This project was previously reviewed in April 2015 (case #7/15/4/2209).

Staff opinion is to modify local approval to include:

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

Michael DeVall asked if guests wanted to comment. Robert Osterhoudt addressed the board as engineer for the project; he gave an overview of the project, which will include remodeling of the Dragon Buffet, demolishing an abandoned motel and utilizing the vacant lot to the west of the

restaurant. They will realign the entrance to utilize the traffic light on Central Avenue. Applicant is working with NYS DOT and CDTA for pedestrian improvements. The supermarket will share the parking lot with Dragon Buffet and the loading area for the supermarket will be in the back of the building, there is plenty of room to the trucks to enter and exit safely.

A motion to accept staff opinion was made by Dominic Rigosu. The motion was seconded by Roland Graves and approved by the board. Paul Cooney recused himself from the vote.

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

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

#### **Case # 7-150502235**

Mark Splowskowski

7 Lansing Road, 120" south of SR 5, across from Evergreen Memorial Cemetery, Colonie  
Area variances from minimum lot size requirement and front setback to allow a single family home to be built on a 5,136 s.f. lot with a 20' front setback where a 12,000 s.f. lot size is required and a 30' front setback. Similar lot sizes exist in the neighborhood. Access will be to a town road.

#### **Case #4-150502241**

Tony Califano

510, 514, 518 & 522 Russell Road/CR 204, west side of CR 204, between Eduardo Court and Mohawk Trail, North Bethlehem

Use variance to allow four two family dwellings on four separate parcels in the Residential A zoning district. All four parcels were created by the applicant as part of a previously approved single family residential subdivision (Millwood Estates, ACPB review in July 2007, case #4-07/07/60). All four properties will have driveway access to CR 204.

**Advisory Note:** The local municipality has jurisdiction over zoning and uses allowed in the districts. However; the town should consider the precedent setting nature of use variance approvals. These four lots were created by the applicant and approved as part of a single family subdivision. The applicant must adequately meet the criteria required for use variance approval.

If approved, the applicant will be required to provide the hammerhead driveway as shown for the driveway permit to CR 204.

#### **Case #7-150502246**

Shaker Pine Plaza

1031 Watervliet Shaker/CR 157, northeast of Watervliet Shaker and Vly Road, Colonie  
Site plan to construct an addition of 1,280 s.f. to an existing shopping center building. The addition will be in an area of the parking lot, 8 parking spaces will be eliminated. No changes to the access are proposed.

#### **Case # 1-150502249**

Jason D. Bowers

54 Philip Street, northeast of Philip Street and Madison Avenue, Albany  
Special use permit to allow a tavern with extended hours of operation between 11:00 pm and 6:00 am in an existing building.

**Case # 7-150502253**

Marty Andrews/Hoffman Development

5 Kunker Avenue, south side of Kunker Avenue, 100' east of Route 9, Latham

Special use permit to allow a property to be used as a parking lot for employee parking for adjacent business. The property was formerly a fast food restaurant that is now vacant, the building will be demolished. There is no change to the access driveway to a town road.

**Case 3 17-150502254**

Golub Properties of Watervliet, Inc.

1804 Second Avenue/SR 32, southeast corner of 19<sup>th</sup> Street and 2<sup>nd</sup> Avenue, Watervliet

Subdivision of 1.48 acres into two lots. The entire parcel is developed with buildings and pavement. Lot one will be 1.3 acres and is a shopping center. The second lot will be .18 acres and is an existing gas station. No changes to access points to Second Avenue are shown.

**Case # 7-150502255**

Siena College (Baseball Field Improvements)

515 Loudon Road, Siena Campus, Turchi Lane Baseball Field, Colonie

Site plan for improvements to an existing baseball field on a college campus. Improvements include; replacement of dug out and bleacher, replacement of fencing, new irrigation system in outfield, and addition of a 144 s.f. press box.

**Case # 7-150502258**

Comfort Inn – addition

981 Loudon Road/SR 9, east side of SR 9, just south of Century Hill Drive, Colonie

Site plan to construct a 6,300 s.f. addition to an existing hotel in order to enclose the existing pool area to allow for year round use. The addition will be at the rear of the building. No changes to the access to SR 9 are proposed.

**Case # 15-150502260**

Christopher Dowd & Patricia Putnam

2532 New Scotland Road/SR 85, southwest corner of SR 85 and New Salem South Road, New Scotland

Special use permit to allow 10 hens to be kept on a residential property on 1.3 acre parcel in the Rural Hamlet zone.

**Case # 13-150502263**

Jennifer Hess & Salvatore Genovesi

563 Upper Front Grove Road/CR 306, east side of CR 306, between Pauley Lane and Krumkill Road, New Scotland

A subdivision that is a lot line change between two properties in the residential zone. #563 Upper Front Grove Road (Hess Property) is 34.4 acres and will have 75 acres added to it, from the adjacent property (Genovesi), for a total of 109.4 acres. The remaining lands of Genovesi will be 40 acres. Both parcels have existing single family homes. There is an agricultural data statement in the file, an ag note on the plat and a note regarding stormwater management requirements.

**Case # 13-150502264**

James Jeffers

1903 New Scotland Road/SR 85, north side of SR 85, east of SR 85A, New Scotland

Special use permit to allow a portion of an existing commercial building to be used by a church. Parking spaces are provided and there is no change to the access to SR 85.

**Case # 10-150502266**

Hampton Inn

1442 Western Avenue/SR 20, Guilderland

Area variance from maximum allowed square footage for signs to allow an existing hotel to have 192 s.f. where 50 s.f. is allowed. The hotel has a previously approved variance from the sign regulation.

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

**GML CASES RECOMMENDED FOR MODIFICATION**

**Case # 7-150502219**

Aesthetic Science Institute

922 Troy Schenectady Road/SR 7, east of Mill Road, Colonie

Site plan to demolish an existing building (3,350 s.f.) and construct a 3 story, 10,150 s.f. commercial building to be used as an aesthetics school. There is an existing parking lot that will be expanded to include a total 49 spaces. There is existing access to SR 7 and a second drop curb area that will be closed. There are wetlands on the property and the Shaker Creek runs along the eastern property line. A portion of the site is within the floodplain. Applicant notes that the building basement elevation will be built above flood elevation. The town watercourse protection buffer is within the site and the applicant has made changes to the plan after a review by the town watercourse committee. The property is within the GEIS airport study area. A stormwater management area is shown on the plan, but there will be less than an acre of disturbance.

Staff opinion is to modify local approval to include:

1. Any wetlands disturbance will require notification to and review by the US Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
2. Review by the FAA (form 7460-1 available from [www.faa.gov](http://www.faa.gov)) and notification to the Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.
3. Review by the NYSDOT for using of highway access, drainage and assessment of road capacity due to the change in use.

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

**Case # 7-150502234**

British American Development Corp – addition

Site plan for construction of an addition (9,728 s.f.) to an existing office building (42,437 s.f.) for office use. The expansion will be single story and will result in a total building square footage of 52, 165 s.f. for office use. The expansion will be single story and will result in a total building square footage of 52, 165 s.f. The addition will be built in an area currently used by the parking lot. The parking lot currently has 241 spaces exceeding the required 189 spaces. The addition will bring the required number of spaces to 232. The applicant is proposing to provide 209 spaces with 23 spaces banked for future use if needed; resulting in the required 232 spaces. Access is to a town road, no changes are shown for access. The total acreage to be physically disturbed is less than one acre.

Staff opinion is to modify local approval to include:

1. If a crane is used during construction then a review by the FAA (Form 7460-1 available from [www.faa.gov](http://www.faa.gov)) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursion within the prescribed Runway Approach Surfaces.

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

**Case 10-150502243**

Floyd Wagner

2079 Old State Road, north side of Old State Road, between Dunnsville Road and SR 158, Guilderland Subdivision of 29 acres into two lots for single family residential use. One lot will be 22.6 acres and has an existing residence. The second lot will be 6.3 acres and is proposed for a residence with a well and septic system. The property is located within the agricultural district. Access is to a town road.

Staff opinion is to 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 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 as required by Town Law for site plan, special use permit and subdivision approval of sites within 500 feet of a farm operation located in the agricultural district.
4. 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 the NYS SPDES GP-0-15-002. The DEC website has more information.
5. Notification of the application should be sent to the adjacent Town of Princetown.

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

**Case # 7-150502244**

Warehouse Grill & BBQ

219 Wolf Road, former Wolf Road Diner, northeast corner of Wolf Road & Ulenski Drive, Colonie  
Site plan for conversion of an existing restaurant building to a new restaurant. Changes include a new façade, deck, delivery ramp and associated landscaping. No changes are proposed to the access drive to the side street, a town road.

Staff opinion is to modify local approval to include:

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

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

**Case #7-150502248**

Wagoner Mixed use

2074 Central Avenue/SR 5, 400' of Lisha Kill Road, Colonie

Site plan for construction of a 9,800 s.f one story office building and two apartment buildings with a total of 12 units in the Commercial Office Residential (COR) zone. There will be parking areas for a total of 38 spaces, and a stormwater management area. The three buildings will share an access driveway to SR 5. The property is within the Lisha Kill GEIS study area.

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 SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.
2. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
3. A highway work permit will be needed from the NYSDOT for work within the right of way of SR 5.

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

**Case #4-150502251**

Spruce Development/Self Storage Facility-site plan

37 Frontage Road, west side of Frontage Road, north of intersection with Route 9W, Glenmont

Site plan for construction of a self storage facility that includes 5 buildings with a total square footage of 88,520 s.f. in the industrial zone. One building is 42,420 s.f. and includes a climate controlled storage use of 25,620 s.f. and an office/warehouse use of 16,800 s.f. There are four other buildings that range in size from 9,900 s.f. to 14,000 s.f. Parking for 29 cars meets parking standards for the use of the site.

There is a drainage swale that divides the property and provides stormwater drainage from the adjacent property (the trucking terminal). This drainage swale will be converted to a piped stormwater conveyance underneath pavement around the proposed buildings. Stormwater management practices are shown on the plan. There are steep slopes along the southwestern and western property lines.

Applicant has prepared a geotechnical report that establishes a slope setback line for building placement.

This property is being subdivided from a larger parcel currently used by a trucking terminal (see case #2268 on this agenda). Both the self storage facility and the trucking terminal will share the access driveway to Frontage Road. Frontage Road serves as an access road off Rt 9W for several commercial businesses as well as an industrial area for facilities along Hannay Lane. The trucking terminal entrance is located on the curve in Frontage Road. There is a Stewarts convenient store and gas station located on the corner of the entrance to the trucking terminal and proposed storage facility that has open frontage along Frontage Road; meaning there is no curbing to slow vehicles entering and existing the gas station and no separation at the rear of the Stewarts building to separate the trucking terminal entrance with the dumpsters and loading/delivery area for Stewarts. There is also an entrance to a motor vehicle repair business on the other side of the driveway to the trucking terminal. All of these traffic movements for four different businesses will be taking place within 200' of each other.

Staff opinion is to modify local approval to include:

1.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-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

2.Although the self storage facility may not create a significant traffic increase to Frontage Road; the location of the driveway entrance in close proximity to other businesses including a busy convenient store and gas station and the fact that the access to Frontage Rd will be shared by the proposed facility and the trucking terminal raises concerns for traffic safety for all vehicles using Frontage Rd. The town should work with the applicant to design the access point and provide any signage necessary to ensure safety of vehicles using this small, but busy section of roadway along Rt 9W.

3.It appears that the trucking terminal is using the area to be used as the entrance to the storage facility as a parking lot right now. The town should ensure that adequate parking spaces will be added inside the trucking terminal site to replace spaces lost to the storage facility site.

4.Since the drainage for stormwater from the trucking terminal property is to remain crossing the newly created tax lot for the storage facility then there should be an easement for drainage established in the deeds and shown on the site plan as well as the subdivision plat.

**Advisory Note:** As businesses change along Frontage Road the town planning board should use the site plan process to improve traffic access and safety on this difficult section of roadway that serves a growing industrial zoned area.

There was discussion by the board about the existing conditions along this roadway. Bill Anslow asked questions about stormwater. Leslie said the SWPPP will be reviewed by the Town as part of the approval process. There were questions about comments by DOT. Leslie said DOT was contacted and had no comment since Frontage Road is not within their jurisdiction, only the intersection with 9W.

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

**Case # 10-150502252**

William Swartz III

1890 Western Avenue/SR 20, south side of SR 20, 212' west of Witte Road, Guilderland

Special use permit to allow an existing commercial building, formally used as a jewelry store to be used as a garden supply sale and rental center. Applicant states that 16-18 parking spaces are required for the use. There are two access points to SR 20, one is shared with an adjacent property (Robinson Hardware).

Staff opinion is to modify local approval to include:

1. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity due to the change in use.

**Advisory Note:** The Zoning Board should consider requiring professionally drawn surveys or site plans in order to adequately assess special use permits for business that are significantly different from previous uses on a property.

There was discussion by the board about the sidewalk improvements being done along SR 20 and how they might impact this property with parking shown along existing curbing in front. Dominic Rigosu expressed concern for parking and the lack of a professionally drawn site plan, asked that the issue of adequate parking be included in the recommendation. The board agreed.

A motion to accept staff opinion with the addition of #2 to read that adequate parking be provided and ensured by the town was made by Dominic Rigosu. The motion was seconded by Paul Cooney and unanimously approved by the board.

**Case # 14-150502256**

Trackside Pizza

5 Railroad Avenue, northwest corner of Railroad Avenue and Main Street, Ravena

Site plan to allow a restaurant to occupy an existing building that was previously used as a bar. Access is to a local street, no changes are proposed.

Staff opinion is to modify local approval to include:

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

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

**Case # 7-150502257**

Homeland Security

1086 Troy Schenectady Road/SR 7, East of intersection of SR 7 and Albany Shaker Road/CR 151, Colonie

Site plan to construct an adjacent parcel to enlarge the site. Applicant proposes to add 34 spaces at the rear of the building 8,433 s.f.), 9 of the spaces were originally banked spaces in previous site planning approvals. Site disturbance will be less than one acre; however changes will be made to the stormwater management area to accommodate the location of the additional pavement. No changes to the access to SR 7 are shown.

Staff opinion is to modify local approval to include:

1. Review by the town stormwater management office for the addition of the stormwater retention pond.

**Advisory Note:** The construction activity at the rear of the parcel should not compromise the integrity of the drainage ditch along the rear property line. This common drainage ditch that runs along the rear of surrounding properties helps to control flooding and connects with Shaker Creek.

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

**Case # 7-150502259**

Ultra Performance, LLC

625 Watervliet Shaker Road/SR 155, north side of SR 155, between McArther Road & Doorstone Drive South, Colonie

Site plan to renovate an existing commercial building previously used as a swimming pool supply for use as a automobile repair and sales business. There will be no changes to the footprint of the building. The existing parking lot pavement will be reduced by 3,592 s.f. No changes are shown to the two existing access points to SR 155. Applicant has stated that tractor trailer truck deliveries will enter from one driveway and exit the other without turn-around space needed on site.

Staff opinion is to modify local approval to include:

1. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity due to the change in use and the use of the access by tractor trailer trucks.

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

**Case # 13-150502265**

Town of New Scotland Solar Facility

49 Winne Road, off of SR 32, west of LaGrange Lane, New Scotland

Special use permit to allow installation of a solar panel facility on a town owned land to serve the town's power usage. The solar array will be comprised of 800 solar panels within a fenced area approximately 185'x270'. Disturbance will be less than one acre. There is existing access to a town road.

Staff opinion is to modify local approval to include:

1. Approval by the town should include requirements that construction take into account the location within the floodplain.

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

**Case # 18-150502267**

John Dolce/Dolce Realty Corp.

6003 SR 32, south side of SR 32, 750' north of CR 404, Westerlo

Special use permit to allow an existing commercial building (formally a garden and farm center/Agway) to be used as an automobile sales and repair shop. Applicant states that the building will be used as a showroom for used cars, they will also sell motor sports vehicles and service those vehicles as well as cars. There is an existing parking lot with three access points to SR 32.

Staff opinion is modify local approval to include:

1. Due to the change in use of the property New York State Department of Transportation should review for design of highway access, drainage and assessment of road capacity. The applicant should be aware that all display areas should be kept out of the right of way for SR 32.
2. The town should ensure protection of underground water resources by requiring the storage of vehicles on an impervious surface designed to catch spills from fuel oil and gasoline.

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

**Case # 4-150502268**

Spruce Development/Self Storage Facility – subdivision

37 Frontage Road, west side of Frontage Road, north of Route 9W, Glenmont

Subdivision of 26.1 acres into two lots in the industrial zone. One lot will be 14.5 acres and has an existing trucking terminal business. The second lot will be 11.5 acres, is currently vacant, and is proposed for construction of a self storage facility. The file includes an agricultural data statement for location within 500' of the agricultural district. The vacant parcel has steep slopes and is divided by a drainage swale. The drainage swale serves to drain stormwater from the existing trucking terminal site. The open swale will be replaced by a pipe that will continue to carry stormwater from one property tax lot across the newly created tax lot; however no easement is shown. There will be a shared driveway access to Frontage Road for both properties as shown on the survey. The site plan for the proposed storage facility is case #2251 on this agenda.

Staff opinion is to modify local approval to include:

1. Since the drainage for stormwater from the trucking terminal property is to remain crossing the newly created tax lot for the storage facility then there should be a drainage easement established in the deeds and shown on the subdivision plat.
2. There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties.

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

Meeting was adjourned at 4:50 p.m.

The Albany County Planning Board will meet again on Thursday, June 18, 2015 at 3:30 p.m. in the conference room at Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186.