

**Minutes
Albany County Planning Board
January 15, 2015**

Present:

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

Albany County Planning:

Leslie Lombardo

Secretary:

Janis Dunham Relyea

Guest:

Scott Siegel

A call to order:

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

Approval of Minutes:

A motion to accept the minutes from the December 18, 2014 meeting was made by Paul Cooney. The motion was seconded by Ben Syden and unanimously approved by the board.

GML CASES RECOMMENDED TO DEFER TO LOCAL CONSIDERATION

Ben Syden made a motion to consider 4 the cases for defer to local consideration and approve as is. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case # 10-150102149

Beltone Hearing Aid Center

6281 Johnston Road/CR 203, west side of CR 203, approx. 175' south of SR 20, Guilderland.

Special use permit to allow an existing building to be used by a commercial business (hearing aid sales and service) in the business zoning district. No changes are shown to the existing building, driveway to CR 203, or to the parking area at the rear of the property.

Advisory Note: The property owner should be aware that any changes to the driveway or any expansion of the parking area would require a review by the Albany County Department of Public Works Engineering Division to determine impact to CR 203.

Case # 12-150102152

Sean Cronin

210 & 218 Font Grove Road/CR 206, southwest side of 306, north of intersection with Rail Trail, Slingerlands

A subdivision that is a lot line adjustment between two properties. Lot #1 will add an area of 7,860 s.f. deeded from Lot #2 increasing the size of lot #1 to 1.1 acres. Lot # 2 is a flag lot situation behind lot #1. Lot #2 will be 1.7 acres after the adjustment. Both lots are existing from a previously filed subdivision.

No changes to the access to CR 306 are shown. The County Rail Trail borders lot #2 at the rear of the property.

Advisory Note: While the board recognizes that these lots are existing as approved by the town; the town should be aware that ACPB is not in favor of municipalities creating flag lots along county roads. The fact that the existing flag lot in this case is now being further reduced in size and borders the county rail trail magnifies the concern for development on flag lots and the potential negative impact to county property and roads.

In this case the future driveway for the flag lot will be difficult to install to CR 306 due to the width and location of the “flag pole” area of the lot. The flag lot driveway will be in close proximity to an existing driveway at #208 Font Grove Road and there is also an existing drainage structure in this location.

Case # 3-1501012154

Ann Hein

24 Lakeview Road/Fay Road, East Berne

Area variance from minimum lot size to allow a garage to be built on a single family home property. The lot is an existing nonconforming lot size of 7,410 s.f. where 15,000 s.f. is required the garage will be 12’x20’. Access is to a local road.

Case #14-150102155

Village of Ravena – local law to amend the permitted issues in the C – IP zoning district.

A local law that will amend the zoning code chapter 119 to allow gasoline stations, retail stores and personal services shops as permitted uses in the Planned Commercial district (C-IP) along Route 9W in the Village. The Village is updating the code for this zoning district to match the existing conditions of the land use in the Route 9W corridor. The adjacent Town of Coeymans has been notified by the Village of the proposed local law.

GML CASES RECOMMENDED FOR MODIFICATION

Case # 7-150102146

Colonie Senior Service Centers, Inc. Apartments

11 Elks Lane, south side of SR 155, approx. 575’ west of Delatour Road, (at the rear of the Elks Lodge Parcel), Colonie

Site plan for construction of a three story, 120,858 s.f. 100 unit senior apartment building and separate garages (27 bays). Sewer and water line extensions are necessary. The building will have access by easement to Elks Lane, a local road and an emergency access to SR 155. A traffic analysis for the project recommended clearing and regading of a slope along SR 155/Watervliet Shaker Road to improve sight distance from where Elks Lane intersect with SR pavilion and maintenance garage will relocated form the project will require a rezoning to a Planned Development District (PDD) and granting of an Open Development Area (ODA) designation due to the access by easement. Stormwater management planning includes the use of porous pavement and bio-swales.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits due to the sewer and water line extension.

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. A highway work permit and utility work permit will be required from the NYSDOT for work within the right of way for SR 155.

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

Case # 7-150102147

Auto Zone

886 Loudon Road/SR 9, west side of SR 9, between Cobbee Road and entrance driveway to Latham Farms, Latham

Site plan to construct a 7,381 s.f. retail store and demolish an existing commercial building on the site. The project will include 40 parking spaces and access to both SR 9 and the interior roadway for Latham Farms shopping plaza at the rear of the site on western property line. Both of these access points are in close proximity to the existing curb cuts for the property. The proposed store will receive weekly tractor trailer deliveries and a truck movement plan is included in the plan sheets. Applicant states that the closed stormwater management system will reconnect to the existing drainage systems located in SR 9. It appears from similar reviews of this same retailer that a used oil storage tank (185 gallons) and used battery area is a standard feature within the store.

Staff opinion is to modify local approval to include:

1. Approval by the NYSDOT for design of highway access, drainage, the stormwater management plan and all necessary utility and non-utility work permits for work within the right of way of SR 9.
2. Review by the Albany County Department of Health if the back-flow preventer will be needed for the hydrant as stated in the review by Latham Water Department.
3. A Notice of Intent filed with 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 SPEDES General Permit for Stormwater Discharges (GP-0-10-001, January 29, 2010) for construction activities that disturb more than one acre of land.
4. If a crane is used during construction then a review will be needed by the FAA (Form 7460-1 from 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.
5. The used oil and battery storage area should be designed with property containment for spills.
6. Notification to the local fire department of battery and oil storage areas.

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 # 7-150102148

Fastrac Markets

1159 Troy Schenectady Road/SR 7, north side of SR 7, across from British American Blvd, Colonie
Site plan for construction of a 5,000 s.f. convenience store and eight fuel pumps with a canopy. There will be two 20,000 gallon underground fuel storage tanks. The store will include a drive thru window service and 50 parking spaces. Access to the site will be at an existing traffic signal on SR 7 with British American Blvd. The access will be driveway on a 60' cross-access easement located on the adjacent vacant parcel. There will also be a second right turn only access drive on the eastern side of the project property. The site is within the Airport area GEIS study area, mitigation fees will apply. A stormwater management basin is shown at the rear of the property. The project includes two existing tax lots that will be merged.

Staff opinion is to modify local approval to include:

1. Approval by NYSDOT for design of highway access, drainage and assessment of road capacity.
2. Review by the Albany County Department of Health for the grease traps.
3. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
4. A Notice of Intent filed with 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 SPEDES General Permit for Stormwater Discharges (GP-0-10-001, January 29, 2010) for construction activities that disturb more than one acre of land.
5. Review by the FAA (Form 7460-1 available from 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 to accept staff opinion was made by Paul Cooney. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case # 10-150102150

Sandell Manufacturing Co., Inc.

310 Wayto Road, eastern end of Wayto Road, north side of 1-90 ramp for exit 25, Schenectady
Special use permit to allow construction of a 10,000 s.f. single story addition to an existing building with a small portion of the existing building to be demolished. The addition will be used for inventory storage. Applicants narrative mentions reuse of an existing sanity sewer system. Roof drainage will be directed to an existing recharge basin. This property was previously reviewed in March 2014 (case #10-14/3/1910).

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for any necessary permits for any water line extension and reuse of an existing subsurface sanitary sewer system.

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 # 10-150102151

Auto Zone Parts, Inc.

1770 Western Avenue/SR 20, north side of SR 20, 210' west of Camp Terrace, Guilderland
Special use permit and area variances are requested to allow redevelopment of an existing commercial property for use by an auto parts store. The property was previously used by Pizza Hut Restaurants. The vacant building (2,038 s.f.) will be demolished and a new 7,366 s.f. single story building will be constructed. The project includes 185 gallon storage tank for used oil and used battery storage area. The existing curb cut to SR 20 is proposed to be moved a short distance to the east. Applicant states that stormwater drainage will be a closed pipe system directed to the existing drainage system in SR 20. The property is less than an acre in size. The project narrative describes weekly tractor trailer truck deliveries and pick-ups of used oil and batteries; however no truck movement plan is provided in the plan sheets. The property is located in the area along SR 20 where property frontages are relatively short so there are many curb cuts which can complicate tractor trailer truck access and traffic movement. There are several area variances requested including; minimum side yard setback to be 13' where 15' is required, rear yard buffer to residential properties for parking is 5,9' where 40' is required, open space coverage of 28.7% where 30% is required, a variance from a provision to preserve and maintain existing trees fronting adjacent property, and a variance from parking standards to allow 33 spaces where 54 are required by town code.

Staff opinion is to modify local approval to include:

1. Approval from the NYSDOT for planned stormwater discharge to the drainage system in SR 20.
2. The Zoning board should require a truck movement plan to show how tractor trailer delivery trucks will safely maneuver within the site.
3. The used oil and battery storage area should be designed with property containment for spills.
4. Notification to the local fire department of battery and oil storage areas.
5. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.

Advisory Note: While it is desirable to redevelop vacant commercial sites, the ZBA should weigh the number and significance of area variances in order to avoid setting a precedent.

There was Board discussion regarding size of the site, the size of the building, concerns with poor access for tractor trailer trucks, combustible materials and possibly poor access for emergency vehicles. The Board agreed to add another recommendation concerning the access for emergency vehicles due to combustible materials stored on site and an added note to the advisory regarding the limited size of the site, access, the proposed size of the development and proximity to residences the town should ensure that fire and emergency vehicles can easily access the property.

A motion to accept staff opinion with the addition of recommendation #6 as discussed and the additional statement on the advisory was made by Paul Cooney. The motion was seconded by Dominic Rigosu and passed with the vote in favor of Michael DeVall. Ben Syden noted that he opposed the motion.

Case #18-150102153

Lisa and James Welch

1092 CR 402, North side of CR 402 at the intersection with CR 351, (Smith Corner), Westerlo

Area variance from the side yard setback to allow a garage for a single family home. The garage will be 24'x34' and setback 23' from the property line where 50' is required by town code. The property is on the town boundary line with the Town of Rensselaerville. No change to the driveway is shown.

Staff opinion is to modify local approval to include:

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

Advisory Note: The property owner should be aware that any changes to the driveway to CR 402 will require a review and permit from the Albany County Department of Public Works Engineering Division.

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

Meeting adjourned at 3:55 p.m.

The Albany County Planning Board will meet again on Thursday, February 19, 2015 at 3:30 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, New York 12186.