

**Minutes**  
**Albany County Planning Board**  
**January 21, 2016**

**Present:**

Dominic Rigosu, Acting Chair, Roland Graves, Yomika Bennett, Sean Maguire, William Anslow

**Albany County Planning:**

Leslie Lombardo

**Albany County DPW:**

Dave Kubeck, Stormwater Program Technician

**Guests:**

Bill Hennessy, Town of New Scotland, town board

Jeremy Cramer, Town of New Scotland, building inspector

**A call to order:**

Dominic Rigosu called the meeting to order at 3:34 p.m.

Sean Maguire made a motion to accept the minutes from the December 17, 2015 meeting. The motion was seconded by Roland Graves and unanimously approved by the board.

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

Sean Maguire made a motion to consider **12** cases for defer to local consideration and approve as is. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #: 1-150102423**

Saowaluck Saeueng

254 Lark Street, south side of Lark, between Hudson and Jay streets, Albany

Area variances from maximum lot coverage and rear yard setback to allow an addition (82 s.f.) to an existing building to accommodate a larger kitchen for a restaurant. The lot coverage will be 97%, where 86% is existing and 50% is allowed. The rear yard setback will be reduced to zero from an existing 4 feet, where 20' is required by code.

**Case #: 1-150102424**

33 South Lake Albany NY Realty LLC

33 South Lake Avenue, north side of S. Lake, between Elberon and Western Ave., Albany

Use variance to allow an existing residential structure to have 4 apartment units in the R-2C one/two family zone. The dwelling was previously used as a 7 unit apartment building and is currently vacant.

**Case #: 4-160102427**

Van Wies Village LLC/Glenmont Abbey Village-sign

7 Thomas Cole Drive, south side of SR 910A/Glenmont Rd, east of Rt. 9W, Glenmont

Area variance from town sign regulations to allow a senior apartment complex to install two free standing signs each with 27 s.f., where only one sign is allowed with 20 s.f. The signs will be installed along the entrance drive to the property on the south side of SR 910A.

**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.

**Case #: 17-160102430**

Highland Tank of New York

958 19th Street/SR 2, south side of 19th Street, west side of railroad tracks, Watervliet

Site plan for construction of a paint booth for an existing manufacturing facility. The booth area is approximately 25' x 50' and will be built in an existing paved area. No change is shown to the access to 19th Street.

**Case #: 1-160102431**

Daniel Oh

153 Western Avenue, north side of Western Ave, between North Lake and Cortland, Albany

Use variance to allow an existing vacant residential structure to be used as a 4 unit apartment dwelling. The building was previously used as a legal non-conforming 4 unit apartment building in the two family zone. Access is to city streets.

**Case #: 3-160102432**

Ann Hein

24 Lakeview Rd, east side of Lakeview Rd, east side of Warner's Lake, East Berne

Area variance from side yard setback to allow a greenhouse (6' x 8') to be built within the 10' required setback on a residential property. The property is located on a dead end local road.

**Case #: 10-160102434**

Root Canal Experts

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

Area variance from sign regulations to allow a sign for a dental office in the Local Business zone to be setback 4' from the property line where 20' is required.

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

**Case #: 10-160102435**

Yanyun Xie

2020 Western Avenue/SR 20, southwest corner of SR 20 and Sumter Ave, Guilderland

Special use permit to allow a beauty salon use in an existing commercial building formerly used as a doctor office. Access to the site is from town roads. There is an existing parking lot at the rear of the property.

**Advisory Note:** The town should ensure that there is enough parking on site for the proposed use.

**Case #: 18-160102436**

Judson Filkins

3817 SR 85, east side of SR 85, across from Woodstock Rd and south 100', Westerlo

Area variance from side yard setback to allow an addition to an existing barn building for purposes of storage for a boat and trailer. The addition would be 12' from the property line where 50' is required. No changes are shown for the access driveway to SR 85.

**Case #: 17-160102441**

AutoZone Parts, Inc.

1804 2nd Ave., Watervliet

Area variance from sign code regulations to allow a commercial business to have 3 signs with a total of 201 s.f. where code allows 1 sign with 75 s.f. maximum. The proposed signs would be mounted on three different building facades. Each sign is 67 s.f. This project was previously reviewed in October 2015 for site plan and area variances (case # 17-15/10/2378, 2377).

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

**Case #: 2-160102442**

Diana Greene

182 Main Street/SR 146, north side of Main St., approx. 50' east of Maple Ave, Altamont

Special use permit to allow a florist and wine store in an existing commercial building in the central business zone. No change to the existing access is shown.

**Case #: 3-160102443**

Margaret Vogel Nagengast

Dyer Road, west and east side of Dyer Rd, south side of Warners Lake, Berne

Subdivision of 10.45 acres into two separate parcels with one parcel being annexed to an adjacent lot. One parcel will be 5.43 acres and the second parcel will be 5.02 acres annexed to a .16 acre lot to create a 5.18 acre lot. No new development is shown on the annexed lands. The 5.43 acre lot has a proposed residence, existing well and septic. An agricultural district and SWPPP note is included on the plat. An agricultural data statement is included in the file. This property was previously reviewed in November 2015 for 2 lot subdivision (case #3-15/11/2401) .

**Advisory Note:** The town planning board may want a note on the plat as to whether or not Dyer Road is a town or private road in regards to maintenance.

**GML CASES RECOMMENDED FOR MODIFICATION**

Sean Maguire made a motion to hear Case # 13-160102439 first, in order to accommodate guests. The motion was seconded by Roland Graves and approved by the board.

**Case #: 13-160102439**

Town of New Scotland-Hilton Le Vie Barn Parcel-subdivision

Southeast corner of Hilton Rd. and the Albany County Rail Trail, New Scotland

Subdivision of a 16 acre vacant property into two lots. One lot will be 1 acre and the second lot will be the remaining acreage. The one acre lot is planned for the location of a historic barn that the Town is having moved. The one acre lot will have access to a town road and is adjacent to the county rail trail.

Staff Opinion: Modify local approval to include:

1. No increase in stormwater discharge should occur to the existing drainage system for the county rail trail, up to and including the 25-year frequency storm event. Any re-grading of the site or additional added impervious surface should be evaluated for the need for runoff controls.

Dominic Rigosu asked guests if they would like to comment. Bill Hennessy, town board member for Town of New Scotland addressed the board. He gave a brief presentation on the status of the town's work to have the historic barn moved to the Hilton Road location. He described the move over the property by temporary easement and that grading will not be done. There was a brief explanation of the next steps; Jeremy Cramer said that a site plan is being worked on by Barton and Loguidice. Dominic Rigosu asked the town representatives if they would include the county stormwater technician, Dave Kubeck, on any discussions regarding planning for site drainage. Jeremy Cramer and Dave Kubeck said they will work together on any drainage details needed as part of the site plan process.

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

**Case #: 7-160102422**

Cillis Home Design Center & Apartment Building

250 Old Loudon Road, west side of Old Loudon Rd, between Austin and Bell Avenues, Latham

Site plan for construction of a 4,464 s.f. building with a garage to be used for an office/commercial type use (builder's design center) and a separate six unit apartment building on a 1.2 acre property. Existing buildings on the site will be demolished. Access is to a town road. Several different stormwater management practices are included in the site layout. This property was previously reviewed for variances in March and October 2015 (case #7-15/3/ 2187 & 7-15/10/2360).

Staff Opinion: 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.

Board discussion: Sean Maguire asked how many curb cuts there were going to be, Leslie said there was one. There was discussion about the layout.

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

**Case #: 7-160102425**

Colonie ASC Medical Office

207 Troy Schenectady Road/SR 2, north side of SR 2, 300' east of Swatling Rd, Latham

Site plan for construction of a one story, 12,110 s.f. medical office building. The building will have a shared access driveway from SR 2 with the property to the west (Cumberland Farms). There will also be a access easement to the east to another parking lot for a commercial property (Trustco bank) and access to an easement at the rear of the property that is off of Swatling Road. NYS DOT has reviewed the preliminary plans. A stormwater management area is planned at the rear of the site. There are several existing drainage (DOT) and utility easements that cross the property. The property is also within the Boght Road GEIS study area, any mitigation of cumulative impacts will be assessed.

Staff Opinion: Modify local approval to include:

1. Continued review and approval by New York State Department of Transportation for required permits.
2. Review by the Albany County Department of Health for the required backflow preventer on the water line.
3. 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.

Board discussion: There was discussion about the location of traffic signals in relation to the project access, the multiple access points, the board thought that it was good to have the site connected to the adjacent properties.

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

**Case #: 7-160102426**

Cellco Partnership/Verizon Wireless

12 Airline Drive, south side of Airline Dr, on the CBA school property, Colonie

Special use permit to allow an existing light pole at a school stadium/football field to be replaced by a monopole structure that will support both the stadium lights and telecommunications antennas. The existing light pole is 75' high, the proposed monopole will be 85' high with an additional 4' lighting rod. The light tower leased area will be 35' x 35'. The applicant has provided a letter of review from the FAA which lists the project as a "no hazard to air navigation". There will be a related equipment shelter in a fenced compound (50' x 50') below the tower for the telecommunications facility.

Staff Opinion: Modify local approval to include:

1. The applicant shall comply with the letter issued by the FAA dated April 8, 2015.

A motion to accept staff opinion was made by Sean Maguire. The motion was seconded by Yomika Bennett and unanimously approved by the board.

**Case #: 4-160102428**

Luis Gonzales

46 Monroe Avenue, southeast corner of Pine and Monroe, North Bethlehem

Area variances to allow construction of a single family home with less than required front setback on a nonconforming lot. The property is a corner lot. The front setbacks are 54' and 36' from each street where 60' is required from centerline. The new house will replace a home that was destroyed by fire.

Staff Opinion: Modify local approval to include:

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

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

**Case #: 15-160102429**

Lee DeMarco

201 CR 358, west side of CR 358 between Lewisdale Rd and Kellie Rd., Medusa

Subdivision of 48 acres into two lots. One lot will be 42.9 acres and has an existing house with driveway access to CR 358. The second lot will be 5.1 acres and has existing barns with access to CR 358. The county agricultural district is located on adjacent lands to the the south. No new development is shown.

Staff Opinion: Modify local approval to include:

1. Any new development of lot 1B, the 5 acre property, will require a review by AC DPW for driveway access.
2. Submission of an agricultural data statement to the Town as required by Town Law for site plan, special use permit, use variance, and subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.
3. 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.
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 NY SPDES GP-0-15-002. The DEC website has more information.

Board discussion: There was discussion about the existing access, the sight distance and the topography, if the use changes for the barn property the access will need to be reevaluated.

A motion to accept staff opinion was made by Sean Maguire. The motion was seconded by Yomika Bennett and unanimously approved by the board.

**Case #: 7-160102433**

Nick Riggione

959 Loudon Road/SR 9, southeast corner of SR 9 & Old Loudon Rd, Latham

Area variances from height and front yard setback to allow an addition (1,012 s.f.) and renovations to an existing commercial building. A section of the roof of the existing building will be raised from 14' to 24' to match other sections of the roofline. The addition will be in line with the existing building setback and allows for another tenant space. The building will be renovated to allow up to 5 commercial tenants. There is an existing parking lot with access to SR 9 as well as a town road. Applicant states that the parking lot will be restriped. There are three curb cuts to SR 9 from the previous business. This property was previously reviewed in December of 2013 for variances.

Staff Opinion: Modify local approval:

1. The approval of the variances should be conditional upon site plan approval from the town due to the fact that the building will change from one tenant to five. The adequacy of the parking lot and the access to SR 9 should be reevaluated with the proposed plan. NYS DOT may want to close a curb cut.

Board discussion: There was discussion about the existing building, old Kirkers restaurant, the fact that the building will be reused and number of curb cuts to SR 9 that should be reevaluated by DOT.

A motion to accept staff opinion was made by Sean Maguire. The motion was seconded by Yomika Bennett and unanimously approved by the board.

**Case #: 18-160102437**

Mario Pollan Sanchez

364 SR 143, north side of SR 143, between Hunt rd and Gibson Rd., Westerlo

Special use permit to allow an existing residential property with a barn building and grounds to be used for events rental for weddings, banquets as well as antique sales. Applicant is showing a proposed parking area (70' 130') on a field along SR 143 adjacent to a wetland area. There is an existing, separate driveway to SR 143. Applicant states that events would rent portable toilet facilities, no information is given for water supply.

Staff Opinion: Modify local approval:

1. Due to the proposed use of a parking lot along SR 143, NY State Department of Transportation should assess the site distance and access for reasons of traffic safety.
2. The local fire department should review the access to the site as well as the proposed barn building to evaluate for fire safety, emergency services access, water availability and any sprinkler system requirements for a place of assemble.
3. The applicant should contact AC DOH to make sure the proposed use does not require permits regarding water and septic use.
4. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity for the existing residential driveway to be used for a higher volume of traffic at certain times for reasons of traffic safety.

Board discussion: There was discussion about the location, proposed use and parking for large events, the parking lot proposed was a field area; the board discussed the need for some type of gravel surface. Board members thought that people may park along the state highway. Sean Maguire thought there was not enough information to vote on the referral. There was discussion about disapproval. Bill Anslow asked what the trigger was for the referral, Leslie said the state highway. There was discussion about DOT jurisdiction for review and the need for their approval as well as any health department comments. Dominic Rigosu thought it was important for the town to know what modifications would be necessary before granting a local approval. He suggested adding a 5<sup>th</sup> recommendation to explain the concerns for parking capacity and possible parking lot surface changes, as well as an advisory to explain the type of information that the local board should be assessing from the applicant before granting approval; such as the number of times events will be held per year and what size events would be, the numbers of cars planned for and the size of parking areas available on the property.

A motion to accept staff opinion with the addition of a fifth recommendation and an advisory statement as discussed here was made by Roland Graves. The motion was seconded by Yomika Bennett, Sean Maguire abstained and Dominic Rigosu voted in favor of the acceptance of modification, the referral was passed by the board.

Meeting adjourned at 4:30 p.m.

The next Albany County Planning Board meeting will be held on Thursday, February 18, 2016 at 3:30 p.m. in the conference room at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186