

**Minutes  
Albany County Planning Board  
June 18, 2015**

**Present:**

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

**Albany County Planning:**

Leslie Lombardo

**Secretary:**

Janis Dunham Relyea

**Guests:**

Matt Sames, Pet Lodge

**A call to order:**

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

**Approval of minutes:**

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

A motion was made by Ben Syden to hear case #150602281 first to accommodate the guest. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

**Case # 4-150602281**

Matt Sames – Pet Lodge

9 Frontage Road, northeast corner of Frontage Road and Hannay Lane, Glenmont

Area variances from lot size requirements to allow a dog kennel and dog daycare operation in an existing building and a proposed new addition in the Rural Light Industrial zone. Variances are from minimum lot size (5 acres are required and the property is .96 acres), minimum setback of 200' from the property line for exercise pens (50' is provided), offstreet parking (36 spaces required, 15 spaces given), minimum 50' setback from front property line to main structure (proposed setback of approximately 13'). Applicant states that the required number of spaces will not be needed for the use based on similarly owned businesses. The existing building on the site has a 13' front setback in one corner, the proposed addition will be 3,520 s.f. with a similar setback. The addition will be built on an area currently used for parking. Access to the site is from a town road, Hannay Lane.

Staff opinion is to Defer to local consideration with an advisory note.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

**Advisory Note:** It is recognized that the property is a difficult size configuration and location for business. If the town approves the variances there should be a condition that proper drainage will be installed on site to ensure that the stormwater runoff from the additional building does not impact Rt 9W. This area of Rt 9W is often flooded in storm events and is at a lower elevation than this property.

It should be noted that a portion of the existing parking lot for the property is located outside of the property lines.

The town may want to condition the number of dogs allowed, due to the significant size of the variances.

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

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

Paul Cooney made a motion to consider the 9 cases recommended for defer to local consideration. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

##### **Case # 7-150602271**

Cellco Partnership/Verizon Wireless

1024 Watervliet Shaker Road/CR 157, south side of CR 157, 365' west of New Karner Road, Colonie  
Special use permit to allow a telecommunications antenna on the roof of an existing commercial building. The antenna itself is 2' and the top of the antenna would be at the height of 23' from ground level. The existing rooftop height is 15'. There will also be an equipment area placed at the side of the building at eth ground level. Applicant states that the purpose of the antenna is to boost wireless coverage in the area which is currently overburdened by demand.

##### **Case # 1-150602276**

Vincent Douglas

32 Central Avenue, north side of Central Avenue, between Lark Street and Henry Johnson Blvd. Albany  
Special use permit to allow a grocery store (Caribbean Bodega) to occupy 950 s.f. in the ground level of an existing building in the commercial zone.

##### **Case # 4-150602279**

308 Delaware Avenue LLC/Getty lot redevelopment-variance

308 Delaware Avenue/SR 443, southeast corner of Delaware & Oakwood Avenues, Delmar  
Area variance from sign setback requirements to allow a commercial sign (4'x5') to be setback 3' from the property line, where 10' is required. The sign is located behind the sidewalk, approximately 15' from the curb.

##### **Case # 4-150602280**

Selkirk Self Storage LLC – Agnes Bohl

78 to 104 Thatcher Street, 80' south of Route 9W, Selkirk

A subdivision of 3.6 acres into two lots. Lot one will be 1.2 acres and has an existing building. Lot two will be 2.4 acres and has an existing self-storage facility. Both lots have existing driveways to a town road. Applicant states that no new construction is proposed.

##### **Case # 4-150602282**

Richard Bohl

227 Delaware Avenue/SR 443, north side of SR 443, 75' east of Leonard Place, Delmar

Use variance to allow driveway access through a residential zone to a mixed use building in the commercial hamlet zone. The lot is divided by the zoning boundary line. The driveway from the town road falls within the residential zone at the rear of the property. This variance was previously approved by the town in 2009 and has since expired.

**Case # 4-150602283**

Bill Delanoy

42 Long Lane, south side of Long Lane, west of intersection with CR 55, Selkirk

Use variance to allow more than one use on a property that is in the Heavy Industrial Zone. Applicant has a single family home on the property and wishes to add a garage 60' x 44' for storage and minor vehicle repairs. Access is to a town road.

**Case # 10-150602284**

Twenty (20) Mall at Guilderland, LLC

2080 Western Avenue/SR 20, south side of SR 20, west of SR 155, Guilderland

Area variance from maximum allowed sign square footage to allow the installation of seven illuminated wall signs for a total of 296 s.f. where 50 s.f. is allowed. The signage is for the Price Chopper grocery store that is changing the name to Market 32.

**Case # 10-150602285**

Richard List

7005 Dunnsville Road/SR 397, west side of SR 397, between Settles Hill Road and Western Tpk., Altamont

Use variance and special use permit to allow an existing commercial building to be used by a towing business in the residential agricultural zone. Applicant's commercial business (excavation company) was grandfathered when zoning changed in 1996. Applicant wants to sell property to a buyer who currently operates a towing business in the town. There is an existing driveway to SR 397.

**Case # 17-150602291**

City of Watervliet-resolution re: Public Library additions northwest corner of 15<sup>th</sup> Street and Broadway, Watervliet

The City Council adopted a resolution (No. 9168) on May 21, 2015 to exempt the Watervliet Public Library additions and renovations project from the requirements of the City Zoning code, SEQRA determination and referral to the ACPB. The City has determined in the resolution that the project falls under local government immunity from zoning under established NYS case law. The City has sent resolution referral to the ACPB, but has also sent the project information including a proposed site plan. The project being exempt is a 1,365 s.f. addition to the existing library and senior center building to allows children's library space and reading room. The addition is located on the southeast corner of the building in an area of existing landscaping. There are no changes to existing access from a city street. An EAF form for the project will filled out and considered by the city as part of the resolution.

**GML CASES RECOMMENDED FOR MODIFICATION**

**Case # 7-150602272**

Top Tile/Dunkin Donuts

890 and 892 Loudon Road/SR 9, across from Cobbee Road, Colonie

Site plan to consolidate access to SR 9 and reorganize parking and traffic circulation between two commercial buildings on two separate properties. A retail tile store is in one building and leases space in the rear of the building to a church. A Dunkin Donuts with a drive thru lane is the second building on a separate tax lot. The two buildings will remain on separate tax lots, but will share one of the access points to SR 9 along the property line. Two other curb cuts to SR 9 (one on each property) will remain. The parking lot for the tile store will be expanded slightly and repaved. The drive thru lane for Dunkin Donuts will be repositioned to allow better queuing. All parking requirements are met for all of the uses. Site disturbance will be less than one acre, but town stormwater mitigation requirements for redevelopment sites will apply as per the applicant's statement. There are no changes proposed for the buildings on the properties.

Staff opinion is to modify local approval to include:

1. There should be shared access agreement including maintenance agreement referenced in the deeds for both properties.
2. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity, due to the changes to the curb cuts.
3. A highway work permit will be required from NYSDOT for work within the right of way of SR 9.

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

**Case # 7-150602273**

Steven Hoffman (Subway)

601 Loudon Road/SR 9, east side of SR 9, north of Homestead Drive, Loudonville

Use variance to allow a fast food restaurant as a use within an existing commercial shopping center building that has a 161' setback to the single family residential zoning boundary line where 200' is required by code. A previous variance for the property granted in 1986 restricted restaurant use; however town code and zoning for the property has changed since then. The restaurant use occupies other building in shopping centers in the immediate vicinity.

Staff opinion is to modify local approval to include:

1. The town should ensure that enough parking exists in the shopping center for the proposed use, so that there are no delays to vehicles entering and existing the site from SR 9.

There was discussion by the board of location along Rt. 9 and other uses in the immediate area.

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

**Case # 5-150602274**

Town of Berne-Parsonage subdivision

1763 SR 443, south side of SR 443, next to school property, Berne

Subdivision of 3.08 acres into two lots. The Town of Berne owns the parsonage on the site. The town uses the former church building and parsonage on the site as a library. Lot #1 will be .95 acres and has the existing library/former parsonage building. The town plans to sell lot #2. There are two existing

access driveways to lot #1 from SR 443, one driveway extends to the back of lot #1 and is proposed as an 18' wide right of driveway easement to lot #2. No changes are proposed to the existing access driveways.

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

**Case # 8-150602275**

Dairy Queen Grill and Chill

1652 Central Avenue/SR 5, south side of SR 5, between Jupiter Drive and Broderick Street, Colonie  
Site plan for demolition of two buildings former Lake Electronics and construction of a 2,610 s.f. fast food restaurant with a drive thru lane. The applicant will merge two tax lots to create a .55 acre site. There are two existing points to SR 5; one is a shared driveway by easement with an adjacent property to the west which will remain, the second curb cut will be a right turn out only exit. There is also access at the rear of the property to a village street forty four parking spaces will be provided and the amount of green space will increase to 20% of the property.

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

There was discussion by the board of access points for the property and use of adjacent property that shares access with this project to Central Ave.

A motion to accept staff opinion was made by Dominic Rigosu. The motion was seconded by Roland Graves and approved by the board. Ben Syden recused himself from this case.

**Case # 7-150602277**

Keeler Car Wash/Prep Building

1075 Troy Schenectady Road/SR 7, north side of SR 7, across from Albany Shaker/CR 151, Colonie  
Site plan to construct a 9,000 s.f. stand-alone car wash prep building on the site of an existing auto dealership. The building will be located in an area that is partially covered by gravel or asphalt and used for the storage of vehicles. The car wash would not be for public use. No changes to the access to SR 7 are proposed. Less than one acre will be disturbed, but an existing stormwater management basin will be expanded to include additional drainage created by construction of an additional building on the site. This property was previously reviewed for a car wash building in March 2015 (case #7-15/3/2195). The applicant decided to relocate the proposed building to the current location on the same site.

Staff opinion is to modify local approval to include:

1. Review and approval by town stormwater management office for changes to the existing on site stormwater management system.

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

**Case # 4-150602278**

308 Delaware Ave. LLC/Getty lot redevelopment –site plan

308 Delaware Avenue, S.E. corner of Delaware & Oakwood Avenues, Delmar

Site plan to construct a two story mixed use building with 4,000 s.f of retail space on the first floor and three apartments on the second floor. Twenty parking spaces are provided. The site was previously a gas station and is currently almost entirely paved. There is a letter in the file from DEC that states that remediation was completed. No stormwater management practices are shown since the property is less than one acre. There is a closed stormwater pipe system that runs through the site that the applicant proposes to tie into to provide drainage from the parking lot; it does not drain to SR 443. There will be one access point to SR 443 and one to a local side street. The previous use had two access points to SR 443. The applicant is requesting a variance for a proposed sign that is also on this agenda (see case #4-15/6/2279).

Staff opinion is to 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.

**Advisory Note:** Although the site is less than an acre, the town may want to consider requiring pre-treatment of stormwater on site before allowing the parking lot drainage to tie into a town owned stormwater system as proposed by the applicant.

A motion to accept staff opinion was made by Dominic Rigosu. The motion was seconded by Roland Graves and approved by the board. Ben Syden recused himself from this case.

**Case # 16-150602286**

Rauch-Subdivision

10 School Road/CR 208, west side of CR 208, across from Bloomer Road, Voorheesville

Subdivision of 8.7 acres into 3 lots. Lot 1 will be 4.59 acres, lot 2 will be 2.75 acres, and the remaining 1.36 acres will be conveyed to an adjacent property owner. Lots 1 & 2 will be single family residential lots with driveways to CR 208. However, there appears to be an existing driveway that an adjacent property owner (18 School Rd/CR 208) is using to access the rear of their parcel, but the driveway is within the property line of proposed lot #2. Public water is available, but septic systems will be used. A variance is required for lot #2, see case #16-15/6/2287 on this agenda.

Staff opinion is to modify local approval to include:

- 1.The issue of the driveway used by 18 School Rd being located within the property lines on proposed lot #2 needs to be resolved before local approval. AC DPW would rather not issue a second driveway permit for a single property tax lot; especially where frontage is reduced.

- 2.Review by the Albany County Department of Health for required permits for waste water discharge.

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

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.

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

**Case # 16-150602287**

Rauch-variance

10 School Road/CR 208, west side of CR 208, across from Bloomer Road, Voorheesville

Area variance from lot width to allow a proposed subdivision to create one residential lot with 125' along CR 208, where 150' is required by Village code. The subdivision plat shows an existing driveway that is being used by an adjacent property owner to gain access to the rear of their property, but is located on proposed lot #2. The subdivision referral is case #16-15/6/2286 on this agenda.

Staff opinion is to modify local approval to include:

1. The issue of the driveway for 18 School Rd being located within the property lines on proposed lot #2 needs to be resolved before local approval. AC DPW would rather not issue a second driveway permit for a single property tax lot; especially where frontage is reduced. The Village needs to determine if the driveway will be shared, closed, or if the owner of 18 School Rd will buy additional frontage which will in turn increase the variance needed by the applicant for lot #2.

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 # 7-150602288**

Northern Pass PDD Amendment

586 Old Loudon Road/1226 Loudon Road/SR 9, west side of SR 9, north of Old Loudon Road, Colonie

A local law that is an amendment to a previously approved Planned Development District called Northern Pass. The development was a rezoning of 50.5 acres including 18 four unit condominium buildings and three eight unit apartment buildings for a total of 96 units. The amendment would change the three eight unit apartment buildings to three twelve unit buildings for a total of 108 units. Applicant states that interior parking is being provided as another change from original plans.

Staff opinion is to modify local approval to include:

1. The town should determine if any additional parking areas for the additional twelve units will require changes to the stormwater management plans.

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 # 13-150602289**

David Berschwinger & Don Houck

50 & 51 West Street, at the end of West Street off of the west side of CR 201, north of Grove Street, New Scotland

Subdivision that is a lot line change between two properties. An exchange of approximately 5,000 s.f will be done on either side of West Street. One property on the north side of West Street will accept 5,581 s.f. from the property owner on the south side of the street and the property on the south side of West Street will accept 4,675 s.f. from the property owner on the north side of West Street. No new development is proposed. Both properties have existing single family homes. Access is to a local road.

Staff opinion is to modify local approval to include:

1. A copy of the notification for the application should be given to the adjacent Village of Voorheesville.

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 # 5-150602290**

Coeymans Industrial Park – subdivision

Coeymans Industrial Park Lane, end of Riverview Road, off of west side of SR 144, Coeymans

Subdivision of 139.95 acres into four lots for industrial use. Lot 1-D will be 23.39 acres, Lot 1-E will be 7.09 acres, Lot 1-F will be 21.32 acres, and the remaining acreage in lot 1 will be 88.15 acres. All of the lots have access to a dead-end, private road that shows a proposed turn around area as per NYS fire code. This property was previously reviewed for site plan for industrial development in April 2015 (ACPB case # 5-15/4/2240). On the site plan three warehouses were shown; one each on lots 1-D, 1-E, 1-F. The property was also previously reviewed for subdivision in 2014 (see case #5-14/3/1921). Stormwater management for the property is being overseen by NYS DEC.

Staff opinion is to modify local approval to include:

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

A motion to accept staff opinion was made by Dominic Rigosu. The motion was seconded by Paul Cooney and approved by the board. Ben Syden recused himself from this case.

Meeting was adjourned at 4:05 p.m.

The next Albany County Planning Board meeting will be on Thursday, July 16, 2015 at 3:30 p.m. in the conference room at the Albany County Department of Public Works 449 New Salem Road, Voorheesville, NY 12186