

Minutes
Albany County Planning Board
September 17, 2015

Present:

Michael DeVall, Chair, Paul Cooney, Roland Graves, Dominic Rigosu, Ben Syden, Bill Anslow, Jim Birdsall

Albany County Planning:

Leslie Lombardo

Secretary:

Janis Dunham Relyea

Guests:

Donald Cropsey case # 150902350, Scott Siegel

A call to order:

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

Approval of minutes:

Ben Syden made a motion to accept the minutes from the August 19, 2015 meeting. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Ben Syden made a motion to hear case #150902350 first in order to accommodate the guest. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case # 10-150902350

Jeff Smolen

5640 Depot Road/CR 208, east side of CR 208, south of CR 201, Voorheesville
Special use permit to construct a 10,000 s.f. cold storage building for a roofing and sheet metal business on 12.5 acres in the Industrial zone. There is a proposed driveway access to CR 208, a parking lot for 5 spaces, and a proposed septic field. No stormwater management plan is proposed as applicant states that less than one acre will be disturbed. The applicant prepared a stormwater analysis that was reviewed by the AC DPW stormwater program technician and deemed acceptable. There are 5.43 acres of Federally designated wetlands on the site. The proposed development avoids building in wetland areas. There is an existing pond within the wetland area that overflows in storm events to a culvert under CR 208. The culvert outlets to an intermittent stream on the west side of the road that flows to designated DEC wetland areas along the Black Creek. This project was previously reviewed in November 2014 (case #10-14/11/2114) and showed a larger planned development in phases on the 12 acre site.

Staff opinion: Modify local approval to include:

1. Review by the Albany County Department of Health for waste water discharge.
2. Review by local fire department for adequate access and turn around for emergency vehicles.
3. Review by the Albany County Department of Public Works for design of highway access and assessment of road capacity.
4. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

Advisory Note: The applicant is also reminded that if there are any future plans to develop the remainder of the property, consideration of this future development is required now rather than at any such later date. Under the provisions of the Stormwater General Construction Permit (SPDES GP-015-002), if the total disturbance area associated with full planned buildout of the site (regardless of the timespan in which it occurs) exceeds one acre, coverage under said permit and development of a Stormwater Pollution Prevention Plan is required per NYS regulations.

Board discussion: Bill Anslow asked if there was any plan for expansion. Mr. Cropsey said no, there is no plan for future expansion. Dominic Rigosu asked what size trucks will be coming and going from the site and is it an issue for the road. There was discussion of truck size; no tractor trailer trucks are used. Dominic asked about the parking spaces provided; are there enough, Mr. Cropsey said yes, the company will use the building for storage they will come and go to pick materials up for a job site.

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

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

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

Case # 7-150902338

Chris Meyer

14 Maplewood Avenue, south of Central Avenue, between Kraft Avenue and Highland Avenue, Colonie Area variance from minimum lot size standards to allow two lot subdivision that would create a lot with 16,720 s.f. and a lot with 12,540 s.f. where the minimum is 18,000 s.f. One lot has an existing house, the second lot is proposed for a residence. Both lots have access to a local street. Surrounding properties are similarly sized.

Case # 1-150902342

Mohamed Dirhem Nagi

619-621 North Pearl Street, corner of Third Street, North Albany

Special use permit to allow a grocery store to occupy 2,250 s.f. in an existing vacant commercial building. The same use in the building was previously granted in 2009.

Case # 13-150902355

Scott Macomber

55 New Scotland South Road/CR 308, northwest corner of CR 308 and Pangburn Road, New Scotland Subdivision of 65 acres into two lots. Lot #1 will be 13.27 acres and includes a residence and accessory buildings with a driveway to CR 308. Lot #2 will be the remaining 52 acres. Lot #1 is proposed for sale, lot #2 will remain vacant. An agricultural data statement was included in the file. There is a note on the plat regarding the agricultural right to farm law and regulations pertaining to land disturbance and stormwater.

Case # 13-150902356

Brian Warner

58 & 64 State Farm Road/SR 155, east side of SR 155, north side of the Albany County Rail Trail, New Scotland

Subdivision that is a lot line adjustment between two parcels under the same ownership. No new building lots are being created and no changes to the existing access driveways to SR 155 are proposed.

Case # 13-150902357

Deborah VanWie & James Casicone

1940 & 1968 Terrytown Road/CR 301, east side of CR 301, south of Bennett Hill Road, New Scotland Subdivision that is a lot line adjustment between two properties. And exchange of .75 acres will be made between two adjacent lots to reflect current use by residential owners. No new lots are being created. No changes are being made to the access to CR 301.

Case # 10-150902351

Clancy Real Estate

1 Fletcher Road, southwest corner of Fletcher and SR 20, Albany
Special use permit amendment to construct five additional parking spaces for a commercial use in an existing building. The parking would be constructed in the existing side yard. This property was previously reviewed in July 2014 (case # 10-14/7/2007) for a special use permit to allow a real estate office and apartment use in the building. Access is to a town road.

Case # 10-150902352

Guilderland Public Library

2228 Western Avenue/SR 20, southeast corner of SR 20 and Mercy Car Lane, Guilderland
Area variance from setback requirement for a sign. An existing sign on the property will be replaced with a 4x6 two sided digital message board in the same location. The setback from the property line will be 8' where 20' is required.

Case # 10-150902343

Lang Media, Inc.

11 North Ferry Street, between Erie Blvd and Route 787, Albany
Area variance from height requirements for billboard signs to allow a billboard to be 85' high where 55' is allowed. Applicant will move an existing billboard from an adjacent location in the "billboard free zone" under city code to a location closer to Rt. 787 where billboards are allowed. The height variance is requested because applicant states that trees in the right of way of Rt. 787 will partially obstruct view of the sign. Applicant also states that a nearby billboard was granted the same height variance.

Staff Opinion: Defer to local consideration

Advisory Note: The City Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code. The least amount of variance should be granted based on conditions of the site.

Board discussion: Paul Cooney has concerns with the location, feels it will conflict with the view of the sign for Exit 4 on 787. Michael DeVall mentioned that billboards were the subject of a court case in the city. Ben Syden said the city is trying to open space by the river as part of new zoning and this is not a complimentary project for open space. It was suggested that the city look into getting the trees cut before allowing the sign to be made higher. It was agreed that the city should consider this project in relation to the zoning changes that are being proposed in the area and that it be added to the advisory.

A motion to accept staff opinion with the change to the advisory note to add “in light of the changes being proposed by the City for the zoning in this area” was made by Paul Cooney. The motion was seconded by Ben Syden and unanimously approved by the board.

Case # 7-150902349

2015 LURC Changes – amendments to town zoning code

Town Wide

A local law that amends Chapter 190 of the town code that includes: amending/creating definitions for structure, construction company (large), construction company (small), landscaping company, lawn care service company, dwelling use, (mixed use), general contractor, and motor vehicle repair shop (major); addition of uses to the use chart; amending uses permitted within a given distance from a SRF or MFR zone; amending restrictions related to vehicles with certain maximum gross weight ratings; amending the applicability of the major site plan review process; and permitting certain wholesale business uses and process; and permitting certain wholesale business uses and warehouse storage/distribution uses in COR districts subject to special use permit.

Staff opinion is to defer to local consideration.

Advisory Note: The amendment Section 7 for Chapter 190-22 (O) regarding wholesale business and warehouse storage/distribution should be considered in context with the definition of the COR zoning district; it may not be compatible. The COR definition states the purpose as promoting mixed use development and pedestrian friendly areas and that the mixed use district will help reduce the need for excessive parking.

Board discussion regarding the appropriateness of the warehouse distribution and wholesale business use in some of the COR districts, such as Rt 9 in Loudonville, Wolf road, and Everett Road and the traffic implications. The board agrees that for some parts of the Town this is not appropriate and that the advisory should be strengthened to emphasize the inappropriateness of this particular use in the COR zone.

A motion to accept staff opinion with a change to the advisory note that the warehouse use in the COR district be reconsidered was made by Paul Cooney. The motion was seconded by Ben Syden and unanimously approved by the board.

GML CASES RECOMMENDED FOR MODIFICATION

Case # 7-15090236

Siena College (Rugby Field Upgrades)

515 Loudon Road/SR 9, northeast corner of SR 9 and Spring Street, Loudonville

Site plan to renovate an athletic field on the college campus along Spring Street. The existing rugby field is 38,135 s.f. and will be increased to regulation size dimensions for a total of 84, 120 s.f. Improvements also include new goal posts, scoreboard and an irrigation system. No lighting will be provided. The site plan notes that adjacent jurisdictional wetlands will not be disturbed. A stormwater management plan will be done.

Staff opinion is to modify local approval to include:

1. A Notice of Intent filed with the NYS DEC 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.

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 10-150902337

David Werling

768 SR 146, south side of SR 146, between Gun Club Road and Simons Lane, Guilderland
Subdivision of 4.4 acres into two lots for residential use. Lot 1 is 2.25 acres and has an existing residence and driveway to SR 146. Lot 2 will be 2.25 acres. Public water is available, but a septic system will be used.

Staff opinion is to modify local approval to include:

1. The location of the septic system should be evaluated by Albany County Department of Health as a part of the subdivision of the land.
2. The land owner of the subdivision should notify purchasers of the lots that they must prepare a SWPPP for erosion and sediment control, if construction will disturb more than one acre of land. (Disturbance includes the driveway for a single family home and a septic field). This is part of the NY SPDES GP-0-1-15-002. The DEC website has more information.
3. Review by NYSDOT for design of highway access, drainage and assessment of road capacity.

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 # 7-150902339

Eugene Yedynak

6 Osborne Road/CR 154, east side of Osborne Road, 117' north from Central Avenue, Colonie
Area variances from lot line and width at front building setback line to allow a lot line adjustment between two parcels making one parcel more narrow. The required front lot line and width at setback is 60', applicant requests 43' for both width and setback and front lot line. A residence on Osborne Road has a gravel parking area as part of the property in the side yard. The gravel area is used by the adjacent business that is on the corner of Central Avenue and Osborne Road. The business property will extend its property line to include the gravel area on the adjacent residential lot.

Staff opinion is to modify local approval to include:

1. Applicant should be aware that a change in ownership of the property that is the existing gravel parking lot will require an access review by the Albany County DPW.
2. There is no parking lane available along Osborne Road/CR 154. Therefore; the town should ensure that parking for the residential property at 6 Osborne Road is available on the property.
3. The commercial property on the corner of Osborne Road and Central Avenue should be required to delineate parking spaces within the parking lot. No spaces should be allowed within the existing paved area at the corner of Osborne Road and Central Avenue as it is a traffic safety hazard to have vehicles backing out in an area where vehicles are turning onto Osborne Road from Central Avenue.

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 # 7-150902341

Cody's Cozy Pals

340 Old Niskayuna Road, west side of Old Niskayuna, just north of Wade Road, Colonie

Site plan to demolish an existing commercial building and construct a 3,155 s.f two story commercial building to be used as a pet boarding/daycare facility. The second story will be used as storage space. The property is adjacent to Albany County airport lands. Access is to a town road. A stormwater management area is shown at the rear of the property, but less than one acre will be disturbed.

Staff opinion is to modify local approval to include:

1. Review by the FAA (form 7450-1 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 Dominic Rigosu. The motion was seconded by Paul Cooney and unanimously approved by the board.

Case # 10-150902344

Arlene and Raymond Pigliavento

2959 Curry Road, south side of Curry Road, just west of Wildwood School, Guilderland

Subdivision of 37 acres into 3 lots. One lot will be 28.6 acres and is vacant land, a second lot will be 7.2 acres and has an existing residence and accessory buildings, a third lot will be 1.28 acres and has an existing residence. Both residential properties have an existing well and septic area. Access for all three lots are to a town road. No new development is shown.

Staff opinion is to modify local approval to include:

1. Notification of the subdivision should be sent to the adjacent Town of Colonie.

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 # 1-150902346

Norry Management Corp

46-54 Colonie Street, east side of Broadway, between North Lawrence and Colonie Streets, Albany
Planning Board and Zoning Board

Area variances and site plan for construction of 95 parking spaces for a commercial building being renovated for new occupancy. Variances are requested for parking spaces to have a reduced width, no tree islands will be provided and spaces will have unrestricted access long portions of right of way. The site plan is for 96 parking spaces on property owned by the City of Albany Water Board at 46, 52 and 54 Colonie Street. This project was previously reviewed by ACPB for area variances and stie plan in May 2015 (case #1-15/5/2250).

Staff opinion is to modify local approval to include:

1. Approval by the City Water Board to use lands owned by them.
2. Review by the City stormwater management office to determine if stormwater management practices are needed for the paved parking lot on 1 acre of land owned by the City Water Board.

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 # 17-150902347

1400 8th Avenue/Ernest Brown

1400 8th Avenue, northeast corner of 8th and 14th Streets, Watervliet

Use variance to allow a vacant former school building to be renovated into 15 apartments. There is a parking lot available on site with 26 spaces. Access is to local streets.

Staff opinion is to modify local approval to include:

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

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

Case #10-150902348

Pine Bush Senior Living

145 New Karner Road/SR 155, west side of SR 155, north of SR 20, across from Gladwish Avenue, Rezoning of 11 acres from Business Non-Retail Professional (BNRP) to Planned Unit Development (PUD) to allow construction of an assisted living and independent living facility for seniors. The property is a 50.9 acre vacant parcel in the BNRP zone. The remaining 40 acres outside of the proposed rezoning will be given as a conservation easement to the Albany Pine Bush Preserve Commission. The 11 acres proposed for development is on the eastern side of the property along SR 155. A proposed site plan shows two proposed access points to SR 155. The project would include 96 units of assisted living (128 beds) and 96 units of independent living in two separate buildings. The independent living facility would be a three story building including amenities such as exercise rooms, library, activity room etc. The assisted living facility would be three stories with two attached single story memory care wings as well as a dining and commons area. The project would include parking lots for 168 spaces and a stormwater management area. This project was previously reviewed in September 2014 for an area variance (case #10-14/9/2027.Guilderland

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to the adjacent City of Albany.

Advisory Note: The applicant and the town should be aware that the proposed site access to SR 155/New Karner Road as shown on the preliminary site plan will require changes. The applicant should consult with AC DPW Engineering before further site plan design.

The town should also discuss with the applicant a requirement for sidewalk extension or an escrow of funds for future sidewalk extension along New Karner Road from the project site south to meet existing sidewalk.

There was discussion about access to the site from New Karner Rd. and changes that would be needed, internal connections that would be beneficial to other properties further south, sidewalks needed.

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

Case # 3-150902353

Phyllis Johnston

47 Smith Lane, end of Smith Lane, west side of CR 1, Berne

Subdivision of 30 acres into two lots. Lot #1 will be 6.65 acres and is proposed for a residence with a well and septic system. Lot #2 is the remaining 22+ acres that has an existing residence. Access is to a town road. The town planning board has waived the requirement for a 300' minimum road frontage requirement for lot #2. Lot #2 has 205' of road frontage, but the road is a dead end that uses a turn-around area at the end that is within lot #2.

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 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.

Advisory Note: 1. Due to the poor condition of Smith Lane and the fact that the topography causes stormwater drainage in the direction of CR 1; the Town of Berne is advised to ensure that adequate efforts are made by the applicant to properly control runoff from the site. While the disturbance area of the project may be less than that required for the preparation of a Stormwater Pollution Prevention Plan, to the extent within its authority, the Town may wish to request installation of basic stormwater management and erosion and sediment control practices to avoid exacerbating existing erosion problems on Smith Lane and any potential impact to CR 1.

2. It would be advisable to condition approval of the subdivision with a note that any further subdivision of the property be subject to town requirements.

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 # 13-150902354

Thomas Junco

1368 Indian Fields Road/SR 32, southwest corner of SR 32 and Railroad Avenue, Feura Bush

Subdivision that is a lot line adjustment and merger of parcels. A commercial property that is currently 20,230 s.f will add a 40'x210' strip of land from adjacent tax parcel to the west (15,000 s.f.) to create a new tax parcel with a total of 40,350 s.f. Applicant plans to redevelop the property that has an existing commercial building.

Staff opinion is to modify local approval to include:

1. The adjacent Town of Bethlehem should be notified of the application.

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 # 4-150902345

Monolith Solar

746 River Road/SR 144, east side of SR 144, south of Wemple Road, Glenmont

Use variance to allow construction of a ground mounted solar panel system (200KW) that would be placed in an area approximately 188' x 162' in the Rural Riverfront zoning district. The town has labeled the use as a "public utility"; but the system is for private use. One end of the solar system array is shown to be setback 50' from SR 144, no fencing is shown. A proposed access driveway from SR 144 is shown. No information was provided to demonstrate unnecessary hardship required for a use variance approval.

Staff opinion is to disapprove without prejudice:

It does not appear that the applicant has met the use variance criteria required for town approval.

Ben Syden said it was important for a ZBA to have all the information needed.

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

Paul Cooney announced that his last Planning Board Meeting will be November 19, 2015; Michael DeVall asked that he provide a letter of resignation.

Meeting adjourned at 4:26 p.m.

The Albany County Planning Board will meet again on Thursday, October 15, 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.