

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

Present:

Dominic Rigosu, Acting Chair, Bill Anslow, Yomika Bennett, Roland Graves

Albany County Planning:

Leslie Lombardo

Secretary:

Janis Dunham Relyea

Guests:

Michael McLaughlin for case #160402516

A call to order:

Dominic Rigosu called the meeting to order at 3:40 p.m.

Roland Graves made a motion to accept the minutes from the March 17, 2016 meeting. The motion was seconded by Yomika Bennett and unanimously approved by the board.

Roland Graves made a motion to move case # 160402516 to the front of the agenda to accommodate the guest. The motion was seconded by Yomika Bennett and unanimously approved by the board.

Case #7-160402516

Soldier On PDD

875 Watervliet Shaker Road/CR 151, northwest corner of CR 151 and Meeting House Road, Colonie
Rezoning of 12.64 acres from Commercial Office to Planned Development District (PDD) to allow redevelopment of a former nursing home building and adjacent land to provide transitional housing to veterans. The 12.64 acres is part of a larger 40 acre parcel owned by Albany County and will be leased by a private nonprofit group that will build the proposed project. The vacant, former Ann Lee Nursing Home building will be renovated to provide 100 units of housing and two new buildings will be constructed with 100 units by a private non-profit, Soldier On, for the purpose of operating a residential campus providing transitional and permanent housing, as well as training and support services for veterans.

Proposed site improvements are based on coordination with the Shaker Heritage Society and include reconfiguring the existing driveway system to move existing roadway away from historic buildings on the Shaker site, constructing new and shared parking areas, adding green space and providing better trail access to Ann Lee Pond nature trails. The Shaker historic site buildings and Ann Lee Pond nature trail area are located to the west and south of the proposed project area. The project will include installation of stormwater management practices.

Access to the site from surrounding roadways will remain the same. A traffic analysis has been completed and concluded that no off-site intersections will require study. Most of the residents of the proposed facility will not have vehicles, but will be provided transportation via a shuttle van. The total number of employees is estimated at 35. If a rezoning is approved a site plan application will be made.

Staff opinion is to approve:

The ACPB supports the purpose of the rezoning to allow the use of county owned property for redevelopment and construction of a facility that will assist veterans by providing housing, training and support services.

Dominic Rigosu asked the guest if he wanted to comment. Michael McLaughlin gave a brief presentation of the project. Yomika Bennett asked about parking provisions. There was discussion of parking and access.

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

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Yomika Bennett made a motion to consider the **18** cases recommended for defer to local consideration and approve as is. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #460402498

Advantage Tree Service, LLC

772 Delaware Avenue/SR 443, south side of SR 443, between VanDyke Road and Fisher Blvd, Delmar
Site plan for construction of concrete bins for storage of aggregate materials for sale by a landscape supply company that operates on the site. The bins will be accessible for pick up by the public as well as delivery service vehicles. There is an existing access driveway to SR 443. The property has steep slopes and a watercourse that runs along the eastern edge of the property. Applicant has provided a slope stability report and the site plan shows a slope setback line. Applicant states that .5 acres will be disturbed.

Advisory Note: The town should ensure that there is adequate turning room for trucks making deliveries to the bins. There should be no backing down or backing up in the driveway to SR 443.

Case #1-160402499

Cellco Partnership/Verizon Wireless-Jay Street

214 Jay Street, between Lark and Dove Streets, Albany

Area variance to allow a wireless telecommunications antenna will be hidden inside of a chimney vent and will not increase the height of the building there will be a 6'x8' enclosure on the ground for related equipment. The purpose of the antenna is to provide additional coverage to the existing wireless network in the area due to heavy customer usage.

Case #1-60402503

The College of St Rose-Partridge Street

198 Partridge Street, northeast corner of Partridge and Hamilton Streets, Albany

Special use permit to allow an existing residential structure with four bedrooms to be used as student housing for the college. No exterior changes will be made to the building. The structure is located adjacent to the campus.

Case #1-60402504

The College of St Rose (2)-Madison Avenue

1001 (aka 971) Madison Avenue, north side of Madison, adjacent to college main campus buildings, Albany

Special use permits to allow a residential structure owned by the college to be renovated to house 11 students. The building was previously used to house students. No exterior changes are proposed.

Case #1-60402504

The College of St Rose (3)-Western Avenue

401, 405 & 409 Western Avenue, east side of LaSalle Street, Albany

Special use permit to allow three different residential structures, all within the same block, and owned by the college to be used for student housing. The buildings were previously used as housing, faculty offices and classroom space. Renovations will be made to the interiors of 401, 405 and 409 Western Avenue to house 5, 9 & 13 students respectively.

Case #1-60402506

Cellco Partnership/Verizon Wireless-State Street

371 State Street, Albany

Area variance to allow a wireless telecommunications antenna on a rooftop of an existing residential apartment building (lease area is 6.5' x 6.5'). The antenna will be hidden inside of a chimney vent and will not increase height of the building. There will be related equipment cabinet located in the basement of the building on a 4'x8' lease area. The purpose of the antenna is to provide additional coverage to the existing wireless network in the area due to heavy customer usage.

Case #7-160402507

Siena College MAC/ARC Fieldhouse Renovation

515 Loudon Road/SR 9, Siena College Campus, Colonie

Site plan for renovations to an existing athletic facility on a college campus. The proposal includes a 6,890 s.f. addition for batting cages and storage area as well as a 1,315 s.f. addition for a lobby area, ticket office, and other improvements to sidewalks, utilities and landscaping. The total amount of land disturbance is less than one acre.

Case #4-10402508

Capital Cities BMW

617 Route 9W, west side of Route 9W, between Wemple Road and Beacon Roads, Glenmont

Area variances from town sign regulations to allow signage for an existing commercial property to be mounted on the roof and internally lit. Town code does not allow for roof mounted signs and only external illumination.

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 #1-60402510

1007 Central Avenue LLC

1007 Central Avenue/SR 5, north side of Central Across from Austain Avenue, Albany

Demolition plan for a proposed demolition of an existing commercial structure (former Bob & Ron's Fish Fry) located on a property in a commercial zone.

Case #2-160402513

Bella Fleur & Remedies-sign

182 Main Street/SR 146, north side of SR 146, east side of Maple Ave, Altamont

Site plan for installation of a double faced sign (3'4') on the front of an existing building in the central business district.

Case #2-160402515

Matthew Aumand – fence

152 Maple Avenue/SR 146, southeast corner of Maple Avenue and Jay Street, Altamont

Site plan for installation of a fence in the front yard of a residential property. The property is a corner property and therefore has two front yards. The fence will be at the rear of the house.

Case #13-160402519

Garry Guyette

Subdivision of 20.8 acres into two lots in order to merge lands. Lot #1 will be 6.84 acres and has an existing residence and access, located on the west side of CR 308. Lot #2 will be 4.54 and has existing barn buildings and access to CR 308 on the east side of CR 308. Lot #2 will be merged with another property under the same ownership that is 9.55 acres for a total of 14 acres. No changes are shown to the access to CR 308. No new development is shown. An ag district note is on the plat as well as the note for requirements under the local law for stormwater regulations regarding land disturbance. An ag data statement is included in the file. 209 New Scotland South Road/CR 308, west and east sides of CR 308, north of Pangburn Road, New Scotland

Case #18-160402523

Town of Westerlo Local Law #2-amendment to town code town wide

A local law that is an amendment to the town zoning ordinance that will make a change to the procedure section for site plan (Article 9) and special use permit (Article 10) applications to the planning, allowing the Zoning Administrator to receive the applications and not the planning board clerk.

Case #17-160402524

317 21st Street LLC

317 21st Street, Watervliet

Subdivision of a 9,000 s.f. lot into 2 lots. Lot A will be 6,296 s.f. and has an existing residential dwelling, lot B will be 2,704 s.f. and also has an existing residential dwelling. There are existing deeds for the property that describe the separate dwellings. No new construction is proposed. Access is to city streets.

Case #17-160402525

The Krug Group

321 25th Street, Watervliet

Subdivision of 8,400 s.f. into two lots for residential use. Lot 1 will be 4,200 s.f. and has an existing dwelling. Lot 2 will be 4,200 s.f. and shows a proposed dwelling. Access is to city streets.

Case #5-160402526

Lorri McCarthy

1671 SR 143/Whitbeck Road, Coeymans

Subdivision of 89 acres into two lots. Lot #1 will be 11.2 acres and has an existing dwelling and access to a town road. Lot #2 will be the remaining 78 acres. No new development is shown.

Case #5-160402527

Arthur Van Apeldoorn

410 Blodgett Hill Road/CR 103, east side of CR 103, north of Tracy Road, Coeymans
Subdivision of 60.5 acres into two lots in order to merge lands. Lot #1 will be the remaining lands of
57.19 acres. No new development is shown.

Case #18-160402531

Dave Rebeor

40 CR 1, north side of CR 1, between SR 143 & CR 402, Westerlo
Area variance from side yard setback to allow a garage (12'x24') to be built at the rear of a residential
property located 18' from the property line where 50' is required.

GML CASES RECOMMENDED FOR MODIFICATION

Case #1-160402500

Rashid Shah

46 Clinton Avenue, south side of Clinton, approximately 150' west of Ten Broeck Street, Albany
Use variance to allow a restaurant to occupy 1,500 s.f. on the ground level of an existing building
previously used for commercial uses. Access is to city streets.

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 Yomika Bennet. The motion was seconded by Roland Graves and unanimously approved by the board.

Case # 7-160402501

Philly Bar and Grill

622 Watervliet Shaker Road/SR 155, between Florence Drive and Denise Drive, Colonie
Site plan that is an amendment to a previously approved plan for an addition to an existing restaurant.
The amendment is for 21 additional parking spaces to be built on an area previously used as a tennis
court for the motel that is on the same property. The total number of parking spaces provided will be
186 spaces for both the restaurant and motel. Changes are also proposed for the patio including an
additional 440 s.f. two story outdoor bar and performance area to be used seasonally. Expansion of the
existing stormwater management area is proposed. No changes are shown to the access to SR 155.

Staff opinion is to modify local approval to include:

1. Review and approval for changes to the stormwater management area by the town stormwater management office.

Advisory Note: The town should determine if all of the spaces are needed for the proposed use and if not, banked parking should be encouraged.

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 #7-160402502

Precision Valve & Automation

1 Mustang Drive & 20 Green Mountain Drive, east of Route 9, Latham

Site plan to construct a loading dock, overhead door and steel ramp at the rear of an existing industrial warehouse building. A driveway connection between two parking lots under the same ownership will also be made as part of a plan for better circulation and reduced time on public streets in between two buildings that are part of the same fabrication facility. Applicant states that a limited portion of federal wetlands will be disturbed in order to make the driveway connection between parking lots. Less than one acre will be disturbed.

Staff opinion is to modify local approval to include:

1. Any wetlands disturbance will require notification and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

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

Case #18-160402511

Frank Bryant

288 SR 143, north side of SR 143, approx. 1,840' east of Hunt Road, Westerlo

Special use permit and site plan to allow a food service use in an existing barn that will be renovated. The property currently has a NYS Ag & Markets permit for milk and milk production as part of a cheese making business. The applicant wants to open a business that will serve guests food on the premises on limited days and times. The property has an existing access to SR 143. Parking is shown on the site and along the driveway. An agricultural data statement was included in the file.

Staff opinion is to modify local approval to include:

1. Review by the NYS DOT for design of highway access, drainage and assessment of road capacity due to the change in use on the property. There should be no parking along the state highway.
2. The local fire department should review the access to the site as well as the proposed barn building to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
3. Review by the Albany County Department of Health for food service and other required permits.

There was discussion, Roland Graves asked if this property was located near the other project we previously reviewed for similar use, Leslie said it was down the road.

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

Case #4-160402512

J-W Properties, LLC/Chris DeStefano

20 Hannay Lane, west side of Hannay Lane, approximately 350' north of Frontage Road, Glenmont

Site plan for construction of an outdoor contractor yard that includes gravel surface area, fencing and stormwater management area. The site will have a connection to the adjacent property on the north side, off of Hamilton Lane, that is under the same ownership. In addition, the property will have access

by easement to a driveway to Hannay Lane used by an adjacent property owner (YRC Trucking terminal). The property was previously leased for similar use on a portion of the site that is paved. This site was part of a subdivision previously reviewed in August 2015.

Staff opinion is to modify local approval to include:

1. 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.
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-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.
3. There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties, due to the proposed use of the YRC owned driveway to Hannay Lane.

There was discussion; Roland asked which portion we had seen before, Leslie said it was bridge constructor's portion.

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 #13-160402517

Renee VanKuren

600 Altamont Road/SR 156, south side of SR 156, east side of Anderson Lane, Altamont
Subdivision of 2.63 acres into two lots. Lot #1 will be 1 acre, is vacant, but will be sold. Lot #2 will be 1.63 acres and has an existing residence with access to SR 156. Lot #1 has access to a local street. An ag district note is on the plat as well as the note for land disturbance requiring stormwater management. An ag data statement is included in the file.

Staff opinion is to modify local approval to include:

1. The location of wells and septic should be evaluated by the Albany County Department of Health as part of the subdivision of the land.

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

Case #13-160402518

CWI Landholdings

1803 Delaware Tpk/SR 443, southeast corner of SR 443 & Lower Flat Rock Road, New Scotland
Subdivision of 39.8 into two lots. Lot #1 will be 1.1 acres and has an existing residence with access to SR 443. Lot #2 will be 38.7 acres and is proposed for a single family residence. The plat includes a note for land disturbance under the local law for stormwater management requirements.

Staff opinion is to modify local approval to include:

1. Before a building permit is issued for lot #2, if the driveway will access SR 443, then a review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.
2. The location of wells and septic should be evaluated by Albany County Department of DOH before a building permit is issued.

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

Case #13-160402521

NY Capital District Renaissance Festival 342 Altamont Road/SR 156, Indian Ladder Farms, south side of SR 156, west of Tygert Road, New Scotland

Special use permit to allow a public event to take place on two parcels normally used as a farm operation and store. The Renaissance Festival has been held at this same location for 2 years and reviewed in the 2014, 2015 (case #13/14/4/1944, 13-15/3/2033). The organizers have submitted an emergency plan and parking plan. This event will take place over 2 days in the month of June and is expected to draw 2,000 people total. There is an estimate of 100-150 cars parked at any given time throughout the day. Approximately 163 parking spaces are shown on the plan.

Staff opinion is to modify local approval to include:

1. Review by the Albany County DOH for food service vendors.
2. Notification to the Albany County Sheriff's Dept. for review and comment on emergency access and the emergency plan.
3. Notification to the local fire department for review and comment on emergency access and the emergency plan.

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

Case #13-160402522

Sara Brenner

145 Orchard Hill Road, south side of Orchard Hill Road, east of Spore Road, New Scotland

Special use permit to allow construction of a pond (30'x50') on a single family home property. The pond will be 1,500 s.f. less than one acre will be disturbed. The property is located in the agricultural district

Staff opinion is to modify local approval to include:

1. 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.

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

Case #3-160402528

Homer Warner

166 Warner Lake Road/SR 157A, west and east sides of SR 157A, 500' north of CR 252, Berne Subdivision of 43.65 acres into two lots. Lot #1 will be 37.99 acres. Lot #2 will be 5.6 acrs and will be sold to an adjacent property owner. No new development is shown. A portion of the property is the agricultural district.

Staff opinion is to modify local approval to include:

1. 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 per Albany County Right to Farm Law 2007.
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 the agricultural district.

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

Case #12-160402529

Mohawk Hudson Humane Society

3 Oakland Avenue, east side of Broadway approximately 200' south of Oakland Avenue, Menands Site plan for demolition of three buildings and construction of one new building (34,000 s.f.) for use by an animal humane society on two tax parcels owned by them. One of the existing buildings to be demolished, fronting on Broadway, will be replaced by a pad for a future building. There is existing access to Broadway on this parcel (1 acre in size) that will remain and the driveway will be extended to the rear of the lot to connect to Oakland Ave that provides access to the second parcel owned by the human society.

On the second parcel (18 acres) the new building will be constructed and one existing building will remain. Parking areas will be reconfigured and porous pavement is proposed for the parking lot. A future expansion is shown in an area where an existing building is being razed. The two tax parcels owned by the applicant are divided by lands owned by Niagara Mohawk Power Corp. and the Village of Menands. Multiple easements are noted on the site plan for drainage and access. There are NYS DEC and federal wetland areas on the property. Applicant states that .13 acres of NYS DEC wetland buffer areas will be impacted. Previous construction impacted wetland areas and are noted on the site plan. The property is located in the floodplain.

Staff opinion is to modify local approval to include:

1. Any ACOE 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.
2. Any DEC wetland disturbance will require notification to and review by the NY State Department of Environmental Conservation under Article 24, Freshwater Wetlands.
3. There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties.

4. The applicant will need to meet the water quality treatment and quantity control requirements for a redevelopment project under the NYS Stormwater Management Design Manual (2015 or current version), pursuant to NY SPDES GP-0-15-002.
5. The Village should ensure that all needed easements for drainage and access are recorded in the deeds for all properties involved.
6. Any additional drainage to Village owned lands should be reviewed by the Village engineer.
7. A permit from New York State Department of Transportation will be needed for work proposed in the right of way of Broadway/SR 32.
8. The property is located in the flood zone. Approval of the site plan should be subject to requirements for building in the floodplain.

There was brief discussion of the location and the site plan.

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

New Business:

Dominic Rigosu asked Leslie to give information on the by-law handouts. Leslie reviewed what the purpose was and what was written for board consideration. The by-laws will require legislature approval. Yomika Bennett asked that the ex-officio paragraph on page 1 be clarified. Members agreed to review and discuss further at the May meeting.

Meeting adjourned at 4:15 p.m.

The Albany County Planning Board will meet again on Thursday, May 19 , 2016 at 3:30 p.m. at Albany County Department of Public Works conference room, 449 New Salem Road, Voorheesville, NY 12186.