

Minutes
Albany County Planning Board
August 18, 2016

Present:

Ben Syden, Acting Chair, Sean Maguire, Roland Graves, Yomika Bennett, William Anslow, Tim Garufi

Albany County Planning:

Leslie Lombardo

Minutes:

Janis Dunham Relyea

Guests:

Scott Siegel

Peter TenEyck III

John Biscone

A call to order:

Ben Syden called the meeting to order at 3:30 p.m.

Yomika Bennett made a motion to accept the minutes from 7/21/16 meeting. The motion was seconded by Roland Graves and approved by Sean Maguire, Ben Syden abstained from voting.

Sean Maguire made a motion to move case #160802629 first. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #13-160802630

Indian Ladder Farms

342 Altamont Road/SR 156, south side of SR 156, west of Tygert Road, New Scotland

Special use permit to allow weddings and group outing events to take place at an existing farm and farm market in the Residential Agricultural Zone. The existing farm operation facility includes a café that is open seasonally for lunch, a farm market; pick your own fruits seasonal operation, and several events throughout the year including a Renaissance Fair. Applicant is considering expanding the café use to have dinner hours and would use the café to cater events. Applicant also has a newly established brewery on the site. No new buildings are proposed. Weddings and events take place in an existing barn and tents. Parking is provided in the parking areas used regularly by the farm for events. There is existing access from parking areas to SR 156. Water and septic is provided on site.

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 the agricultural district.

Advisory Note: The local fire department should be consulted for requirements for assembly space and the adequacy of the ingress and egress for emergency services.

Ben Syden asked guests if they wished to comment. Peter TenEyck addressed the board. The farm has been hosting weddings for years; the Town of New Scotland requested they apply for the special use permit. Most events take place in the barn and if they need to tents are put up in the parking area.

John Biscone addressed the board. He is a neighbor to the farm. He understands that they have a new description of their plans and that they could move the traffic entrance and exit further from his house, he is in favor of that. He has issues with traffic, noise, the entrance and exit.

Roland Graves asked about sprinklers in the barn for safety during an event.

Peter TenEyck said there are no sprinklers, but there are 4 exits. He said the building permit handles that.

Board discussed the added wording for safety that was discussed on previous similar permits. The change to the wording on the advisory was agreed too, "as well as" instead of "and" after "assembly space".

Sean Maguire made a motion to accept staff opinion with the word change to the advisory as discussed. 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 hear the 15 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 #160802603

Anthony DeThomasis

4 Madison Place, south side of Madison Place, between Phillip and Eagle Street, Albany

Use variance to allow construction of a three story six unit apartment building on a vacant lot with a residential building façade. The original building was destroyed by fire. The zoning is one and two family residential. Applicant states that the project has been approved by the City Historic Resources Commission.

Case #1-160802604

South End Neighborhood Tutors, Inc.

20 Rensselaer Street/200 Green Street, Albany

Special use permit to allow a charitable organization to occupy space in an existing residential multifamily building for purposes of a tutoring service for children. The group will occupy 1,000 s.f.

Case #7-160802610

Dennis Kruegler

49 Island View Road, west side of Island View Road, Colonie

Area variance for front yard setback and side yard setback to allow construction of a single family home and addition to garage building. The front setback is proposed for 18' where 30' is required, the side setback for the addition will be 3.9' where 5' is required, the side setback is on a town road.

Case #7-160802611

Capital District Auto Care

1172 Central Avenue/SR 5, south side of SR 5 between Oakland and Kraft Avenue, Colonie

Use variance to allow used auto sales in conjunction with an auto repair shop in an existing commercial building that was granted a use variance in 1978 for auto repair business. Access is to a town road, Kraft Ave.

Case #7-160802612

Victory Christian Church-addition

1304 Central Avenue/SR 5, southeast corner of SR 5 & Van Buren Ave, Colonie

Site plan for construction of a 1,500 s.f. addition to the rear of an existing building used by a church. The addition will be used as space for the donations collection and storage in association with the church sales store. Access is from a town road, no changes to the access are proposed. The property was previously reviewed for an area variance (case #7-16/6/2565).

Case #7-160802613

Ted Cillis-Cillis Builders

55 Hoffman Drive, east side of Hoffman, south of Paul Ave, Colonie

Area variances from minimum lot size and front yard setback to allow construction of a single family home. Minimum lot size required is 12,000 s.f. property is 9,348 s.f. Front setback required is 30', proposed is 25'. Properties in the neighborhood are similar in size. Access is to a town road.

Case #7-160802615

PEF Land Holding Corporation

1168 Troy Schenectady Road/SR 7, west of British American Blvd, Colonie

Area variance to allow an emergency generator (6.5 x 3') to be placed in the front yard of an existing office building. The generator will be placed 10' from the building and screened with landscaping. It will be 92' from the property line.

Case #1-160802618

RECKDE, LLC

79-91 Dana Avenue, north side of Dana Avenue, between Knox and New Scotland Avenues, Albany

Site plan for construction of a 4 story (50' high) apartment building with 30 units and parking for 13 cars on a .3 acre site. Three existing residential structures will be demolished. Access is to a city street. Stormwater management will be provided on site with underground storage galleries.

Case #1-160802619

Realty of 234 Lark Street LLC

234 Lark Street, Albany

Use variance to allow an existing vacant residential structure to be renovated and used for 3 dwelling units in the two family zone. The building is located on a city street.

Case #1-160802620

Cellco Partnership-155 Bradford

155 Bradford Street, between Quail & North Lake Streets, Albany

Area variance to allow installation of rooftop mounted telecommunications equipment where code allows ground mounted. Ten panel antennas and accessory equipment (macro cell site) are proposed to be mounted to the roof of an existing building in the commercial zone to boost telecommunications service to an area that is heavily used.

Case #1-160802621

Cellco Partnership – 372 Hudson Avenue

372 Hudson Avenue, between Willet and Lark Streets, Albany

Area variance to allow installation of rooftop mounted telecommunications equipment where code allows ground mounted. An micro cell antenna (radio unit with small external antenna) and accessory equipment are proposed to be mounted to the roof of an existing building in the residential zone to boost telecommunications service to an area that is heavily used.

Case #10-160802626

Hair Event

1857 Western Avenue/SR 20, 35' west of York Road, Guilderland

Special use permit to allow an existing residential structure to be used as a hair salon business in the business neighborhood zone. There is an existing driveway to SR 20. Parking will be provided for 15 cars in the rear and along the side yard. Adjacent properties have similar business uses.

Case #10-160802627

Verizon Wireless-5215 SR 20

5215 Western TPK/SR 20, north side of SR 20, west side of Carman Road, Guilderland

Special use permit to allow the installation of 6 new antenna to an existing cell tower behind the town hall. There will be no increase in height to the tower. Accessory equipment will be added within the existing fenced compound area.

Case #17-160802635

Jeffrey Collett

1203 Hillside Drive, Watervliet

Site plan for a parking lot for 7 cars on a vacant property (.3 acres) to be owned & used by an adjacent funeral home. The parking lot will have access to a city street. This property was reviewed previously in June 2016 for a use variance (case #17-16/6/2575).

Case #17-160802636

Linzack LLC

626 1st Avenue, east side of 1st Avenue, between 6th & 7th Streets, Watervliet

Use variance to allow an existing vacant warehouse building to be used as a private gym. The warehouse was previously granted a use variance for automobile storage. Access is to a city street.

GML CASES RECOMMENDED FOR MODIFICATION

Case #1-160802601

688 Madison, LLC

251 & 255 Morris Street, north side of Morris Street between South Lake and Robin Street, Albany

Site plan for construction of three, two family dwellings on a vacant lot in the one and two family residential zone. The 1.2 acre lot will be re-subdivided into 3 lots. There will be a shared driveway that will provide access to detached garages and parking spaces in the rear. A total of 17 spaces are provided. A stormwater management system will be provided.

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 all three properties.

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

Case #7-160802602

Abele Tractor & Equipment-special use permit

91 Everett Road/CR 155, east side of CR 155, south of Kross Keys Drive, Colonie

Special use permit to allow construction of a 52,000 s.f. building with heavy equipment storage and service on a property in the Commercial, Office & Commercial Office Residential Zones. The zoning boundary divides the property. The existing tractor equipment business currently uses the property for sales, repairs, display and parking as well as using 72 Everett Road, the property across the street. The new building will allow the consolidation of the business to this property. The new building will include a showroom, staff offices, a parts area and a maintenance area. Parking for 85 spaces is shown on the plan. A site plan review will be done and is on this agenda (case#7-16/8/2605).

Staff opinion is to modify local approval to include:

1. A special use permit approval should be conditional upon town site plan review.

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

Case #7-160802605

Abele Tractor & Equipment-site plan

91 Everett Road/CR 155, east side of CR 155, south of Kross Keys Drive, Colonie

Site plan for construction of a 52,000 s.f. building with heavy equipment storage and service on a property in both the Commercial, Office & Commercial Office Residential Zones. There will be a 14,200 s.f. second floor on a portion of the building. The existing tractor equipment business currently uses the property for sales, repairs, display and parking as well as using 72 Everett Road, the property across the street. The new building will allow the consolidation of the business to this property. The new building will include a showroom, staff offices, a parts area and a maintenance area. Parking for 85 spaces is shown on the plan. The site currently has three curb cuts to CR 155, all are shown to remain. Truck turning movements are provided on the plan. A stormwater management area is shown on the plans. Three existing buildings on the site will remain. The applicant states that existing underground fuel storage tanks will be removed and new tanks will be installed. A special use permit is required from the zoning board and is on this agenda (case #7-16/8/2602).

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity and drainage. For reasons of safety and access management AC DPW will require a closing of one of the curb cuts. A closure of the southern most driveway will allow for an area to address drainage on site, so that there is no impact to the CR 155 drainage system.
2. A copy of the SWPPP should be sent to Albany County Department of Public Works Engineering to be reviewed by the county stormwater technician.

3. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
4. 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 of 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.
5. The removal of underground fuel storage tanks should be reviewed by NYSDEC for any necessary permit.

Discussion: the location, the type of use of the building, the change to the access by closing a curb cut.

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

Case #7-160802606

Mitola Dental Office

1240 Loudon Road/SR 9, west side of SR 9, opposite Fonda Road, Colonie

Site plan for construction of a 4,100 s.f. medical office building with 24 parking spaces. Access will be to SR 9. Applicant has provided area for a future road extension from the proposed driveway to vacant lands west of the property. The access driveway will be at a signalized intersection of SR 9. NYS DOT has reviewed the concept plans. Less than one acre will be disturbed, but town stormwater regulations apply and a stormwater management area will be provided at the rear of the parcel. There are agricultural district lands adjacent to the west.

Staff opinion is to modify local approval to include:

1. Approval by the NYS DOT for design of highway access, drainage and assessment of road capacity.
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.

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

Case #10-160802607

Omer Beliveau

W. Old State Road, north side of West Old State Road, west side of Normanskill Creek, Guilderland
Subdivision of 112 acres to create one new lot and allow for lot line adjustments with three adjoining properties. One half acre or less will be added to the three adjacent residential properties within the same family ownership. Only one lot will be brought up to conformance with zoning for minimum lot size (5 acres). The new lot being created will not conform to minimum lot size. The remaining lands will equal 95 acres. No changes to the access to the existing lots are shown. No new development is shown. The property is within 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 as per Albany County Right to Farm Law 2007.
2. Submission of an agricultural data statement to the Town is required by Town Law for site plan, special use permit, use variance, and subdivision approval of sites within 500 feet of a farm operation in an agricultural district.

Advisory Note: The town should consider requiring that the lot being created and the existing lots being added to, be brought up to conformance with the zoning code for 5 acre minimum lot size.

Discussion: the fact that overall subdivision planning for the property and access should be addressed, board agreed to add an advisory that the town should consider build out in the future so that they don't end up with multiple flag lots and multiple curb cuts.

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

Case #7-160802608

Sears Automotive-redevelopment

1425 Central Avenue/SR 5, northeast corner of Wolf Road and Central Avenue/SR 5, Colonie
Site plan for renovation of an existing building (28,287 s.f.) to change the use from an automotive repair facility to retail and restaurant uses for four tenant spaces. Three tenant spaces range in size from 8,000 s.f. to 9,000 s.f. and one space is 2,300+ s.f. The applicant proposes no change in the building footprint. An additional 35 parking spaces will be added by restriping the existing parking lot. No changes are proposed to the existing access to the site from Wolf Road or the interior mall ring road. The building entrances will front on Wolf Road and one on Central Avenue. Some sidewalk, crosswalk and curbing will be added to the areas around the building. Less than one acre will be disturbed. No changes to the existing stormwater infrastructure proposed.

Staff opinion is to modify local approval to include:

1. Although there is no change proposed to the existing access to Wolf Road, the NYSDOT should have an opportunity to review the project for design of highway access, drainage and assessment of road capacity due to the change in use.
2. Notification of the application should be given to the adjacent Village of Colonie.
3. Review by the Albany County Department of Health for food service and other required permits.

Advisory Note: The town should determine if the addition of 35 parking spaces by restriping is reasonable.

Discussion: current parking, snow storage areas, how reconfiguration will impact parking lot

A motion to accept staff opinion with an added advisory that snow storage areas be taken into account in the parking lot was made by Yomika Bennett. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #7-160202609

Precision Industrial Maintenance

245 Morris Road/1093 Kings Road, between Kings Road & Curry Road, Colonie

Site plan for construction of a 20,000 s.f. warehouse/office building in the industrial zone. The office space would be 7,500 s.f. of the total building size. The warehouse section of the building will be used for storage of vehicles and equipment. Applicant states that there will be no storage, use or disposal of hazardous chemicals. There will be controlled storage of materials used with the equipment stored on the site that are permitted materials by the NYSDEC. The property is a 27.4 acre site that will be subdivided into 3 lots. The proposed building will be located on 15.4 acres. The zoning is industrial, but with a conservation overlay requiring 5.2 acres of land remain green. The site provides 13.4 acres in green land area. There are ACOE wetlands on the site. Public water service is available, but a septic system will be utilized for sanitary sewer. A stormwater management area is shown on the plan. Access is to a town road. Applicant states that they have been in contact with Albany Pine Bush Commission and have an evaluation study for ecological impacts.

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 of 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. Review by Albany County Department of Health for waste water discharge and any required permits.
4. Any comments made by the Albany Pine Bush Commission should be considered as the site is within the study area of the commission.
5. The town should ensure that the applicant has the proper permits required by the NYS DEC for the controlled storage of materials used in their business, due to the sensitive environmental area of the property.
6. Notification of the application should be given to the adjacent Town of Guilderland.

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 #16-160802614

Stewarts Shops

112 Maple Avenue/SR 85A, southeasterly side of SR 85A, across from the intersection of 156, Voorheesville

Site plan for construction of a 3,675 s.f. convenience store with three fuel islands under a canopy in the Business zone. The existing restaurant building and pavement areas will be removed. The existing access to SR 85A will be changed to provide two curb cuts, both shown with entering and exiting traffic. Parking for 19 cars will be provided. The new construction area will not extend into the vegetative area along the stream bank to the south, but will regrade the south end of the project area to significantly raise the grade. A retaining wall will be built on a portion of the south end of the project area. Applicant states that less than one acre will be disturbed and that stormwater will discharge to the Vly Creek. The property is within the 100 year floodplain.

Staff Opinion: 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 due to the change in use.

2. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.

3. Due the fact that the project includes gasoline storage and fuel pumps and is located along the Vly Creek (a class CTS designated stream by NYS DEC) it should be considered a "hot spot" use requiring stormwater management design that protects groundwater.

4. The Village should ensure that slope stability along the Vly Creek is maintained. The applicant is proposing a significant sized retaining wall and regrading that will require strict erosion control measures.

5. The Village should ensure that the floodplain management zone requirements are met.

6. Review by the New York State Department of Environmental Conservation to determine regulatory jurisdiction pursuant to Article 15 (Protection of Waters) and to determine possible regulatory jurisdiction under Section 401 of the Clean Water Act by the U.S. Army Corps of Engineers due to the proposed discharge to the Vly Creek.

Advisory Note: 1. The Village may want to require that truck turning movements be shown on the plans to demonstrate adequate room for truck deliveries and vehicles maneuvering safety together within the site.

2. The Village may want to consider requiring landscaping at the rear of the building to provide a screen to the intersection of SR 85A & SR 156 which is a gateway area to the Village downtown.

Discussion building in the floodplain, grade changes, retaining wall size, impacts downstream due to changes proposed on site, traffic making lefts from site, pedestrian safety.

A motion to accept staff opinion was made by Sean Maguire with the additional comments about downstream impacts to #5, adding left turn comment to advisory #1 and adding a third advisory about the timing for pedestrian use at the traffic signal. The motion was seconded by Roland Graves, approved by Yomika Bennett and Ben Syden abstained.

Case #4-160802616

Ann T. Jasiniski

357 S. Albany Road/CR 53, west side of CR 53, north of Rupert Road, Selkirk

A land division that will create two lots from 11.2 acres. Lot #1 is 8.3 acres and will remain vacant, lot #2 is 2.5 acres and has a proposed house, well and septic system shown. In addition a .41 acre piece of land will be conveyed to an adjacent property. Access to lot #2 will be to CR 53 by an easement over lot #1. There is an agricultural data statement 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 subdivision of the land.
2. Prior to a building permit issued for the proposed residence a review by the Albany County Department of Public Works for design of highway access, assessment of road capacity and drainage.
3. The land owner of the subdivision should notify purchaser 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 NYS SPDES GP-0-15-002. The DEC website has more information.
4. 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 Sean Maguire. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #1-160802617

Northeast Carpenter's Union

14-16 Corporate Circle, south side of road, east of New Karner Road, Albany

Site plan for a 3,100 s.f. addition between two existing buildings. The addition will be a second story skyway over existing parking lots. Less than one acre will be disturbed. Access is from a local street.

Staff opinion is to modify local approval to include:

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

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

Case #10-160802622

Inferno Pizza

1827 Western Avenue/SR 20, northwest corner of SR 20 & Gipp Road, Guilderland

Special use permit to allow a pizza restaurant to operate in a commercial building previously used as a convenient store (Stewarts). No changes are proposed to the existing access to SR 20 or the town road. Parking spaces will be restriped in the rear to are provided a total of 11 spaces on 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.

Discussion: site location, difficult for parking due to small size of lot, good to have another use in building.

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 #10-160802623

Antonio Alberti

1670 & 1672 Western Avenue/SR 20, south side of SR 20, 75' east of Gabriel Terrace, Guilderland
Special use permit to allow an addition (645 s.f.) to connect two existing buildings for use as a mixed use building for office/retail space and three apartments. An existing building at the rear of the property will be removed as well as an existing driveway to SR 20. Access will remain with two other existing curb cuts to SR 20, one way in and out. Parking will be provided behind the building.

Staff opinion is to modify local approval to include:

1. Any work within the right of way of SR 20 to remove the driveway may require a work permit from NYS DOT.

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

Case #10-160802624

Schoolhouse Road Pediatrics

81 Schoolhouse Road/CR 204, west side of CR 204, between Strawberry Lane and Shady Lane, Guilderland

Special use permit to allow an addition (2,570 s.f.) to an existing medical office building. The addition will be on the rear of the building which is currently 3,450 s.f. The parking lot areas will be changed, the addition will be built on some existing spaces and others will be added. A total of 56 spaces provided, where 50 is required. No change is proposed to the driveway access to CR 204 that is shared with an adjacent property that has an office building. The site plan shows three stormwater management areas, less than one acre will be disturbed.

Staff opinion is to modify local approval to include:

1. Any work within the right of way of CR 204 will require a work permit from AC DPW.
2. Plans, including calculations, for the stormwater management areas should be sent to ACDPW Engineering to be reviewed for any possible impacts to the CR 204 drainage system.

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 #10-160802625

Albany Solar Farm

North side of SR 156 between Leesome Lane & Agawam Lane, Altamont

Special use permit to allow a large scale solar farm (2 mega watts) on a vacant parcel in the Residential Agricultural 5 acre zoning district. The owner and operator of the facility plans to connect to the grid and sell the power generated through power purchase agreements. The solar facility will include 377 solar panel tables, each mounted with up to 310 solar panels. The project will cover approximately 9 acres and will include on-site access roadways, security fencing, accessory equipment (inverters) and proposed landscape buffers. The solar farm will be located on a 35.2 acre lot which is being subdivided off of a larger parcel. Access to the site is from SR 156 off of an existing driveway. A stormwater management plan will be required since more than one acre will be disturbed. Applicant states that .4 acres of woodlands will be removed. NYS DEC Natural Heritage Program has issued a letter regarding

removal of large trees as an impact to threatened and endangered bats within the area. The application includes a decommissioning plan and landscaped buffers to residential uses as required by town code.

Staff Opinion 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 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.

3. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity due to change in use.

4. Notification of the application should be sent to the adjacent municipalities, Village of Altamont and Town of Knox.

5. The town should ensure that any permits or mitigation measures that are necessary regarding the removal of trees as per the NYS DEC letter of 4/4/16 are conditioned in the approval.

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

Case #13-160802628

Thomas Corcoran

73 Martin Road, south side of Martin Road, New Scotland

Subdivision of 54.6 acres into two lots. One lot will be 1 acre and is proposed for a single family home. The second will be the remaining acreage. The one acre lot will have access to a town road and be serviced by public water, but will have a septic system. There is an ag data statement on the file. The plat has notes for the agricultural district and requirements regarding soil disturbance.

Staff opinion is to modify local approval to include:

1. The location of the 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 Sean Maguire. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #13-160802629

Wren and Rail LLC

209 New Scotland South Road/CR 308, east side of CR 308, between Game Farm Road and the RR crossing, New Scotland

Special use permit to allow a food trailer to be placed on a property in the Residential Agricultural zone. Restaurants and taverns are allowed in the zone by special use permit. The food trailer will be located on a parcel that has several existing barn buildings and an access driveway to CR 308 along with a

second access to CR 308 in front of the largest barn north of the driveway. There is a commercial/industrial use operating to the rear of the parcel within the industrial zone. That industrially zoned property has a driveway to CR 308 to the south of the driveway for the proposed trailer. Applicant is proposing breakfast and lunch hours with seating for 24 people. Twelve parking spaces will be provided. There are multiple dirt driveways within the the property around the trailer location connecting the various barn buildings. Some of the driveways have open access to the property to the rear. Applicant proposes gating one access to the barns and maintaining others.

Staff Opinion: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 Albany County Department of Public Works for design of highway access, assessment of road capacity, and drainage. The applicant should meet with AC DPW Engineering to discuss the proposed changes to the existing driveway.
- 3.There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties.

Advisory Note: 1.Before further review the applicant should contact AC DOH to confirm that the use will be allowed.

2.The multiple buildings on the site and access driveways used for different purposes on the surrounding lands mixed with the proposed commercial use should be better addressed in site planning. If the property will be used for additional commercial uses in the other barn buildings, then planning for overall site development should be taken into account. Access and parking lot layout should be planned for all uses of the property.

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 #13-160802631

Salvatore Genovesi & Richard Cicero

37 Pauley Lane, north side of Pauley Lane, New Scotland

Subdivision of 1 acre of land from a 121 acre property to annex with an adjacent parcel. The one acre will be combined with an existing 2.2 acre improved single family lot to have a total of 3.3. acres. No new development is planned. There is an agricultural district note on the plat and a note for soil disturbance requirements if over one acre. The property is located on a town road.

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 Sean Maguire. The motion was seconded by Roland Graves and unanimously approved by the board.

Case # 17-160802635

Ronald Thompson, Jr

585 SR 143, south side of SR 143, east of CR 401, Westerlo

Special use permit to allow existing gas pumps to be activated for use on a commercial property in the town hamlet. There is an existing access to SR 143.

Staff opinion is to modify local approval to include:

1. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.

Discussion: question that pumps may not be up to date, wanted to add clarification in an advisory note that town should ensure that requirements for gas pumps are met.

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

Meeting adjourned at 4:35 p.m.

Albany County Planning Board meets again on Thursday, September 15, 2016 at 3:30 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186