

Minutes
Albany County Planning Board
June 17, 2016

(Note: Case #1-16/6/2577 listed on agenda was withdrawn by City at request of applicant.)

Present:

Dominic Rigosu, Acting Chair, Bill Anslow, Roland Graves, Sean Maguire, Ben Syden

Albany County Planning:

Leslie Lombardo

Minutes:

Janis Dunham Relyea

Guests:

Matt Ungerer, T.A.C.S. Autobody
Scott Siegel
Brian Best

A call to order:

Dominic Rigosu called the meeting to order at 3:30 p.m.

Sean Maguire made a motion to accept the minutes from the May 19, 2016 meeting. The motion was seconded by Ben Syden and unanimously approved by the board.

Ben Syden made a motion to move case #160602561 to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

Case # 6-160602561

Vecino Group

330 Ontario Street/SR 470, 55 Sargent Street, the northwestern corner of Ontario Street/SR 470 & Sargent Street, Cohoes

Area variances and site plan for construction of two mixed use buildings on multiple city lots that will include a total of 72 apartments and 11,000 s.f. of commercial space. One building will be 4 stories and includes 42 apartment units, the second building is 3 stories and includes 42 apartment units, the second building is 3 stories and includes 30 apartment units. The buildings will have service and retail space available on the first floor and a proposed daycare center. Parking for 59 cars will be available on site, city code requires any project over 10 units to be reviewed by the Zoning Board. A variance from height is also required to allow a 48' building where 45' is allowed. There are existing buildings that will be demolished on some of the lots, while other lots that make up the acreage are vacant. Stormwater management will be provided for under requirements of Long Term Control Plan that the city is required to manage. Access will be from a city street.

Staff opinion is to defer to local consideration .

A motion to accept staff opinion was made by Sean Maguire. The motion was seconded by Roland Graves and approved by the board. Ben Syden recused himself from voting.

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Ben Syden made a motion to consider **11** 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 7-160602562

Ted Delucia/Top Dog Enterprise

11 Prescott, south side of Central Ave, east of Lisha Kill Road, Colonie

Area variance and use variance to allow a single family home on an existing undersized tax parcel in the Commercial Office Residential Zone. The existing property is 4,800 s.f. where 20,000 s.f. is required. An existing 40' lot width does not meet the required 100' width. The front yard setback would be 15' where 20' is required. There are residential dwellings along the street and the property is adjacent to the single family residential zone boundary. Access to the property is to a town road.

Case # 1-160602563

Rosenblum Companies-N. Russell Road-site plan

40 North Russell Road, west side of North Russell Road, south side of I-90, Albany

Site plan to construct a five story, 100,000 s.f. self-storage building with 19 parking spaces. The existing warehouse building on the property will be demolished. The site is located on a city street. Applicant states that less than one acre will be disturbed. There is an existing detention basin located on the northwest corner of the property adjacent to lands of I-90. The proposed project requires area variances from front setback, wall sign location and number of parking spaces required (see this agenda case #1-16/6/2567).

Case #7-160602565

Victory Christian Church

1306 Central Avenue/SR 5, southeast corner of SR 5 & VanBuren Avenue, Colonie

Area variances from required setback to a single family zoning boundary line and for a commercial use within that setback to allow an addition (1,500 s.f.) to an existing commercial building. The addition will be used as additional receiving area and warehouse storage for donations to the church sale store. The addition will be setback 40' from the single family zone boundary where 100' is required. Landscaping is shown where there is currently pavement along the boundary. No change to the access to a town road is shown.

Case # 1-160602567

Rosenblum Companies-N Russell Road-variances

40 North Russell Road, west side of N. Russel Road, south side of I-90, Albany

Area variances from front yard setback, parking spaces required and location of wall signs to allow construction of a 5 story self-storage building with 19 spaces. A parking lot permit is also required. The required front yard setback is 20', applicant proposes a 5' setback. The city code does not address self-storage parking requirements, but applicant state that the code's warehouse requirements would be excessive for the self-storage use. The location of wall signs is not allowed to extend above the second floor; applicant proposes wall signs on the fifth floor so that it can be seen from Central Avenue and I-90. The site is located on a city street.

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

Case #4-160602568

Scott Stagnitta

130C Kenwood Avenue, southwest side of Kenwood, between Brookview and Oakwood Road, Delmar
Area variance to allow a fence in a portion of the front yard on a residential property. The property is located behind another residence so the front yard is the rear yard for the adjacent property. No changes to the access to a town road.

Case # 10-160602571

David Fusco-3800 SR 146 Rezone

3800 Carmen Road/SR 146, west side of SR 146, between Old State Road and Morningside Drive, Guilderland

Rezoning of 1.4 acres from Local Business (LB) to Multifamily (MR). The remaining .7 acres of the tax parcel will remain as LB zoning for future development. Applicant proposes to construct 2 two story apartment buildings with 8 units each and 32 parking spaces. The property has frontage along SR 146 and has an existing warehouse building, sheds and parking area that will be demolished. A shopping plaza (Carmen Plaza) is located to the rear of the property. Residential (R-20) zoning is adjacent to the property to the south and across the street.

Advisory Note: Prior to site plan for the proposed multifamily project the applicant should work with the town to redesign the layout using a shared access between the proposed apartment project and the remaining LB zoned portion of the parcel in order to reduce the curb cuts to SR 146 given the numerous residential driveways on the east side of SR 146.

Case # 10-160602572

David Fusco-3800 SR 146 Rezone

3800 Carmen Road/SR 146, southwest corner of SR 146, Guilderland

Rezoning of 2.34 acres from Local Business (LB) to Multifamily (MR). The applicant proposes to construct a two story apartment building with 16 units and 22 parking spaces, including garages. The building will have access to Old State Road from an existing access driveway for the adjacent commercial property, Carmen Plaza. There is residential (R-20) zoning to the rear of the property west and north and Multifamily (MR) zoning across Old State Road. There are two different commercial type zoning areas across SR 146 to the east.

Case #17-160602575

Jeffrey Collett/Collett Funeral Home, LLC

1203 Hillside Drive, Watervliet

Use variance to allow a parking lot with seven spaces for use by an adjacent funeral home business on a vacant property that is zoned residential. The property is a .29 acres triangular shape. Access to the parking lot would be from a city street. Parking for the funeral home business is currently accommodated on the street.

Case #1-160602578

Albany Medical Center – P Building

470 Myrtle Avenue, south side of Myrtle Avenue between New Scotland Road & South Lake Ave, Albany

Area variance from parking regulations and a parking lot permit to allow construction of a five story, 74,000 s.f building with 63 parking spaces where 132 is required by code. The proposed building will be a part of the Albany Medical Center facility. Existing buildings on the site will be demolished. No new access points are proposed with the new building construction and no changes to existing traffic patterns. Access is from city streets.

Case #1-160602579

The Wilson Apartments

191 North Pearl Street, northeast corner of North Pearl Street & Wilson Street, Albany

Area variances and site plan for construction of an 18 unit apartment building with 15 ground level parking spaces on a quarter of an acre. There are six variances that are needed due to the proposed size of the building. Variances include: land area per dwelling unit which in this case would permit 9 units due to the lot size, rear yard requirement is 25', 7.4' is proposed, maximum building height allowed is 3 stories, 3.5 is proposed, maximum lot coverage allowed is 50%, 79.5% is proposed, front yard of not less than 10' is required, 0' is proposed and a parking variance to allow less than one space per unit. Access is from a city street. The existing lot is vacant and paved.

Case #10-160602580

Nino Alberti

3356 Carman Road/SR 146, southwest corner of SR 146 & Roland Place, Guilderland

An amendment to a special use permit previously approved in 1999 to allow 850 s.f. of office space in an existing building to be converted to an apartment unit. Previous approval was granted to allow conversion of space to apartment use. Access to the property is from a town road.

GML CASES RECOMMENDED FOR MODIFICATION

Sean Maguire made a motion to hear case #10-160602570 as the 3rd item to consider while four voting members are present. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #10-160602570

Deborah Catalifamo Riitano-Rezone

6232 Johnston Road/CR 203, east side of CR 203, 100' south from Chainyk Drive, Guilderland

Rezoning of 8 acres from Residential (RO-40) to Multi-family (MR) to allow the construction of 72 apartment units in two buildings and parking for 132 cars. Access would be to CR 203. There is a single family residence located along CR 203 in front of the proposed project that will remain on 3.59 acres under current RO-40 zoning. There are federal wetlands located on the site and on lands adjacent to the property to the south. There is a history of flooding of the residential properties adjacent to this site to the south. Surrounding zoning is R-15 to the south, across the street to the west and along the north side of the property. There is also a Planned Unit Development (PUD) zone located to the north at the rear of the applicant's property. The apartment project in the PUD zone uses SR 20 for access. There are other multifamily developments zoned MR in close proximity to the south of the applicants property.

Staff opinion is to modify local approval to include:

1. While zoning designation for property is within the powers of the local municipality; the town needs to consider the impact on adjacent properties from the proposed development. This area of the town along CR 203 is characterized by low lying, wet soils, a high water table and a history of flooding on residential properties due to surrounding developments that send drainage to this area.

The addition of impervious surface from any development on the property will exacerbate the problem for drainage in this area. While appropriate stormwater management practices must be proposed consistent with the NYS Stormwater Management Design Manual for any project that disturbs more than 1 acre; the town should consider more information regarding the necessary stormwater management practices before approving a significant zone change. Stormwater management practices on the site will be needed to prevent introduction of excess stormwater to Town of Guilderland systems downstream as well as to prevent the backup of water into the County Route 203 culvert upstream.

It may be that the size of the stormwater management system needed due to the physical conditions will reduce the amount of buildable land area and reduce the number of units that can be accommodated. Any approval for a significant increase in the number of units allowed should be conditioned on the actual buildable area of the property due to physical constraints so as not to negatively impact surrounding properties and the CR 203 drainage system.

Advisory Note: 1. The town should consider the precedent setting impact to surrounding property from zone changes. There is a larger 11.5 acre single family parcel, zoned RO-40, located adjacent to the proposed zone change.

2. The Residential Overlay zoning is described in town code as having the purpose of addressing the problem of new development in existing neighborhoods and the need to access collector streets that the town designates as SR 20 and SR 146 in the code. That concern should be considered for any significant zone change.

3. The town may want to consider that the proposed project address the requirements for common open space and recreational activities under the new town zoning amendments for multifamily zone requirements.

Board discussion:

Sean Maguire asked about the impacts to traffic. Bill Anslow said that DPW is more concerned about drainage, and the history of flooding on adjacent properties, the possibility of backup to the county system. Ben Syden asked if a proposed traffic signal will be at the entrance. Leslie said no, there will not be a light. There was discussion about the potential cumulative impact on traffic from zone changes in the area, the cumulative impact of traffic to Johnston Road and SR 20 and the fact that CR 203 does not have the room to be expanded in the future. There was further discussion about the physical conditions of this area, wetlands, where the drainage goes, flooding in past.

Sean Maguire made a motion to accept staff opinion with the addition of an advisory for the concern for cumulative impact of traffic to Johnston Road and SR 20. The motion was seconded by Ben Syden and unanimously approved by the board.

Sean Maguire made a motion to hear case #4-160602573 as the 4th item to consider. The motion was seconded by Ben Syden and unanimously approved by the board.

Case # 4-160602573

T.A.C.S. Autobody

525 Route 9W, southwest corner of Route 9W & Beacon Road, Glenmont

Site plan for construction of a 11,125 s.f. commercial building for use as a automotive repair shop that will be an expansion of the existing autobody shop on an adjacent parcel. The project involves three tax lots, two existing dwellings will be demolished. The existing building will remain in use as a service center. Parking for cars will be provided on the site. Currently the business property has no access to route 9W, the site plan shows a right turn in and out only proposed to Route 9W. There is an existing access to the side street that is a town road and a second driveway will be added. Applicant states that .95 acres will be disturbed, a stormwater management area is labeled on the plan. The basin outlets to the town drainage system.

Staff opinion is to modify local approval to include:

1. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.

Advisory Note: The fact that the proposed use is an auto body repair shop triggers the consideration of water quality runoff due to the possibility of leaking fluids from vehicles parked on the site. The town may want to consider a condition under site plan approval to address the water quality runoff issue. The proposed stormwater management area appears to drain to the town stormwater system.

Dominic Rigosu asked the guest if they wanted to comment, Mr. Ungerer said no. There was discussion of the location, the plan and the standard comment for this type of use for any impact to stormwater water quality issues from leaking fluids.

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

Case #7-160602560

ABAR Construction/Nicholas Riggione

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

Site plan for redevelopment (former Kirker's Restaurant). The existing building will be renovated and there will be an addition of 1,012 s.f. The parking lot and access driveways will be modified. There were originally three curb cuts to SR 9 for the property, all three will be closed and a new single location driveway with full access will serve the site. The property will also have a single access driveway to a town road, Old Loudon Road, in the rear. The building will be used for a mix of tenants, including a restaurant, office and retail space. There will be an increase in the amount of green space by removing existing pavement while still meeting parking requirements. Less than one acre will be disturbed. This property was previously reviewed for area variances in 2013 and 2016 (case #7-13/12/1868 and 7-16/1/2433).

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 for a restaurant tenant.
2. Review by NYSDOT for design of highway access, drainage and assessment of road capacity.

There was discussion about available room for parking, access, enough room on the site for the expansion.

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

Case #7-160602564

Siena Heights

522 Old Loudon Road/SR 9, off of Campus View Drive, 300' west of intersection with Campus View & SR 9, Colonie

Subdivision of 15.21 acres into 21 residential lots ranging in size from 18,000 s.f. There is one residential dwelling on the property that will remain as a separate lot. Access to the site is off of an adjacent residential subdivision street with access to SR 9 across from an entrance to Siena College. A traffic evaluation has been done. The number of trips generated do not meet the standards for further study of impacts to offsite intersections. An emergency access road will be provided to connect the newly built cul-de-sac. There are federal wetlands on the site that applicant states will not be disturbed. The town's watercourse protection area and historic overlay district fall within a portion of the property where limited disturbance for utilities and infrastructure will be made. An on-site stormwater management system will be developed. NYS DOT has reviewed preliminary plans.

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 for a restaurant tenant.
2. Any wetlands disturbance will require notification to and review by the Army Corps of Engineers for permits under section 404 of the Clean Water Act.
3. 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.

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

Case #10-160602569

Town of Guilderland Amendment to Local Law #2 of 2015-abandoned buildings town-wide

An amendment to a previously approved local law from 2015 that that was written to remedy problems caused by abandoned and vacant buildings and foreclosed properties in the town. The amendment includes changes and clarifications to the definitions section, registration requirements, evidence of abandonment and failure to maintain sections of the law.

Staff opinion is to modify local approval to include:

1. A notification of the law should be sent to all adjacent municipalities.

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

Case # 14-160602576

Carver Companies/Donald Trickey Rezone

Northeast corner of Village, east side of NYS Thruway, north of Willis Avenue, Ravena
Rezoning of three tax parcels, approximately 70 acres, from Community Facility (CF-1) and Residential (R-1) to Industrial (I-1). The applicant owns adjacent lands within the Town of Coeymans to the north and east, zoned industrial and plans to expand similar uses to this site. Access to the property would be from a road built off of an existing road within the town that services the adjacent industrial park lands. There is an emergency access road to the property within the Village that is shown on the map to extend off of Van Hosen Street and cross Village owned lands. The topography of the land that the proposed road would cross is very steep with significant slopes. The zoning within the Village on the south side of the proposed zone change is residential. The applicant has proposed a 50' buffer to residential uses with a berm and trees. The NYS Thruway borders the proposed rezoned lands to the west. There is a concept layout shown for southern part of the property that includes six buildings and an access haul road. There are ravines that bisect the property with significant slopes. There are wetland and streams on the site. The property would not be serviced by Village sewer or water. Staff opinion is to modify local approval to include:

1. Notification of the application for rezoning should be sent to the adjacent Town of Coeymans

Advisory: It is the local municipality's jurisdiction to decide zoning within its borders. The Village should consider the impacts of the proposed industrial uses to adjacent land uses.

- 1.The Village should consider a larger buffer to the residential area that will be adjacent to the industrial zone.
- 2.It should be determined who will have ownership and maintenance responsibility for the emergency access road shown on the map.
- 3.The Village should consider any conditions on the types of uses allowed in the industrial zone due to the close proximity of an adjacent residential area and local school.

There was discussion about the location, the use and the surrounding land use and zoning. Leslie said there was a letter in the file from the Village planning and zoning board recommending an approval of the zone change to the town board. Roland Graves suggested that a 50' buffer to residences is not enough, he suggested 150' buffer. Sean Maguire agreed the buffer was not wide enough. Roland said that taller, bigger trees should also be provided.

A motion to accept staff opinion was made by Sean Maguire with the addition to #1 for the need for a wider buffer and bigger trees provided adjacent to the residential area. The motion was seconded by Roland Graves and approved by the board. Ben Syden recused himself from voting.

Case # 3-160602583

Glenn Paris

Bradt Hollow Road, east side of road between CR 9 and Bridge Road, Berne
Subdivision of 35.2 acres into two lots. One lot will be 5.2 acres and the second lot will be the remaining lands. Access to the property is from a town road. There is a note on the map for future requirements for more than one acre of land disturbance and the close proximity of agricultural district lands. There is

an agricultural data statement included in the file as well as a preliminary letter from ACDOH for septic and water availability.

Staff opinion is to modify local approval to include:

1. Prior to a building permit approval a review by the ACDOH for the water supply system.

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

Case#10-160602584

Town of Guilderland – Zoning and Land Use Law Amendment

Amendment of Chapter 280 of the town code, the Zoning and Land Use Law, that is an update of language and additions to different sections after a review by a town committee. An example of changes include: uses within each zone have been categorized, site plan design guidelines are included, supplemental regulations for uses such as solar energy facilities are included, definitions have been updated and off street parking requirements have been updated. The town states that no increase in intensity of uses is anticipated from the changes and updates.

Staff opinion is to modify local approval to include:

1. The new zoning chapter should include reference to requirements under General Municipal Law 239 m and nn for referral to the county planning board and adjacent municipalities.
2. Notification of the amendment should be sent to all adjacent municipalities.

Advisory Note: The Town may want to consider additional language that provides for the use of green infrastructure practices by specific zoning code sections that is available in a model local law format on the Stormwater Coalition of Albany County website. The Green Infrastructure Model Local Law Project was completed by the Stormwater Coalition of Albany County in 2013 under a NYS DEC Water Quality Improvement Project grant.

The meeting was adjourned at 4:15 p.m.

The next Albany County Planning Board meeting will be on Thursday, July 21, 2016 at 3:30 p.m. at the Albany County Department of Public Works conference room, 449 New Salem Road, Voorheesville.