

**Minutes
Albany County Planning Board
March 17, 2016**

Present:

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

Albany County Planning:

Leslie Lombardo

Secretary:

Janis Dunham Relyea

Guests:

Scott Siegel, George Penn

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 February 18, 2016 meeting. The motion was seconded by Ben Syden and unanimously approved by the board.

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Ben Syden asked to discuss one case from the listed defers, #7-160302491. Sean Maguire made a motion to consider **10** cases for defer to local consideration and approve as is and discuss separately, case # 7-160302491 from the defer list. The motion was seconded by Ben Syden and unanimously approved by the board.

Case #1-160302465

688 Madison, LLC

251, 255, 259 Morris Street, north side of Morris between S. Lake and Robin Streets, Albany

Area variance from lot width, front yard setback, combined side yard setbacks and setbacks required for a detached garage. Applicant is proposing to build three two family dwellings with accessory garages on vacant lots. The new dwellings will not meet the listed yard requirements, but will be similar to the existing dwellings in the neighborhood.

Case #1-160302467

Habitat for Humanity Capital District

278 Orange Street, south side of Orange, between Lark and Dove, Albany

Demolition approval of an existing 2,650 s.f. residential structure that is vacant and is proposed for redevelopment as a residential house.

Case # 1-160302468

Tribeca 897, LLC

897 Broadway, east side of Broadway between N. Ferry Street and Thacher Street, Albany

A parking plan approval is sought by an applicant as part of the site plan approval process for renovation of an existing warehouse into a tavern/wine bar. The city parking requirements for the zone allow office site parking. The plan shows parking in front of the building along Broadway as well as in two parking lots across the street and down the street from the building for a total of 67 spaces provided for the proposed use at 897 Broadway.

Case #1-160302471

Rosenblum Development Corporation-Save A Lot grocery

612 Central Avenue, between West Lawrence Street and N. Main Avenue, Albany

Area variances and site plan approval for a proposed change in tenant of an existing building to allow a grocery store use. Variances are from rear lot setback (30' required, 14' is proposed for the renovated loading dock), signage that will be 8' above the roofline for the building mounted sign and freestanding sign with a 4' setback where 15' is required. The applicant is also requesting site plan approval from the planning board to allow the building currently used for office space to be converted to a grocery store. The site includes 62 parking spaces as well as 19 on street spaces along Bradford Street. There is a loading dock that will be rebuilt to be a covered dock. Applicant states there is no increase in impervious area. There are no changes to the access.

Case #7-160302486

David Weiler, Turf Colonie, LLC (Staybridge Suites)

39 Wolf Road, east side of Wolf Road at the Northern Entrance to Colonie Center, Colonie

Area variance from town billboard sign regulations to allow a 5'3" sign (9.8 s.f. double faced) to be installed in the island at the north entrance to Colonie Center at the intersection with Wolf Road. The sign is a directional wayfinding sign for a hotel that is located at the north end of the mall parking lot. Billboards are not allowed within 660' of the right of way for a roadway as per town code. Applicant states that other hotels along Wolf Road have similar signage.

Advisory Note: The sign should not be placed in a location that impedes sight distance at this busy intersection.

Case #4-160302487

Van Dyke Spinney, LLC a/k/a The Spinney at Van Dyke

Van Dyke Road, east side of Van Dyke Road, south side of Vadney Road, Delmar

An amendment to a previously approved Planned Development District (PDD) for a multifamily, senior housing project. The amendment is to add .96 acres in a housing project. The amendment is to add .96 acres in between phase 1 and 2 to the project PDD in order to construct a clubhouse. Modifications to the phasing plan are proposed since the clubhouse was approved previously in a different location on the site. Applicant has updated the maps to show the changes to the original plans. Stormwater management practices are shown on the clubhouse/community center site and grading plan.

Case #4-160302488

First United Methodist Church

428 Kenwood Avenue/SR 140, southeast side of Kenwood Avenue, approximately 75' west of Adams Street, Delmar

Site plan and special use permit to allow construction of a 736 s.f. addition to an existing church to house stairs and an elevator. There will be minor reconfiguration of parking spaces, but parking for the use is met. No changes are shown to the access to SR 140.

Case #4-160302490

Keystone East Apartments

225 Delaware Avenue/SR 143, North side of Delaware Avenue, approximately 75' east of Leonard Place, Delmar

Site Plan for construction of a two story residential apartment building with six units and related parking lot with 16 spaces. Access to the property is from a town road, Leonard Place.

Case #13-160302492

Charles Groesbeck

215 Groesbeck Road, north side of Groesbeck, east side of Giles Road, New Scotland

Subdivision of 95 acres into two lots. Lot #1 will be 35 acres, lot #2 will be 60 acres. Lot #1 will be sold to a family member. There is an agricultural district and requirements for land disturbance under local law for stormwater permit compliance. Access is to town roads.

Case #13-160302493

Moklesa Shah

1061 Krumkill Road/CR 306, northwest side of Krumkill Road, across from Font Grove Road, New Scotland

Subdivision of 9 acres into two lots for estate planning purposes. Lot #1 will be 5 acres and has a residence and driveway, lot #2 will be 4 acres and is vacant. There is an agricultural data statement in the file. There is a note on the plat for both the agricultural district and requirements for land disturbance under the local law for stormwater permit compliance. Access for both lots is to CR 306. There is significant road frontage for both lots, but the location of the property along CR 306 is at a point where sight distance could be an issue for a future driveway if not properly located.

Advisory: Priory to building permit approval on lot #2 the property owner should consult with AC DPW engineering division to determine the best location for the driveway access point. Sight distance is a concern.

Case #7-160302491

Town of Colonie – Local Law Zoning Amendment

Updating incentive standards and amenities section

Town Wide

A local law that is an amendment to the zoning ordinance that updates the provisions for incentive standards and amenities for development proposals. The changes under incentive standards include fee schedule application and standards for previously developed sites maintaining or decreasing density without penalty. The changes in the amenities section include adding “amenities other than cash” may be located anywhere in the town...and addressing the value of incentive units for density.

Staff opinion is to defer to local consideration.

Board discussion: Ben Syden would like the funds to stay in the location where the project is located,

not to other locations in town. He gave examples of recent projects that the board has reviewed from the town where amenities were allowed offsite and out of the project area. There was board discussion on the matter.

A motion to accept staff opinion with a change to add an advisory statement that the town should consider, to the extent possible, localizing the amenities to the area of impact from a project rather than applying amenities elsewhere in the town was made by Ben Syden. The motion was seconded by Roland Graves and unanimously approved by the board.

GML CASES RECOMMENDED FOR MODIFICATION

Case #1-160302466

Abdelmagid Abdelmagid

619-621 North Pearl Street, northeast corner of N. Pear and N. 3rd Street, Albany

Special use permit to allow a take-out restaurant in 1,500 s.f. of space in an existing commercial building previously used as a supermarket in the commercial zone.

Staff opinion is to modify local approval to include:

1. Review by ACDOH for food service and other required permits.

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

Case #7-160302478

Stewart's Shops

186 Troy Schenectady Road/SR 2, southwest corner of SR 2 & Delatour Road, Latham

Site plan for construction of a 3,675 s.f. convenience store with two fuel island canopies over six fuel pumps. The site will have access to SR 2 from a right turn in and out curb cut as well as access to SR 2 through a shared access drive with adjacent property to the west (Salvation Army Store). There is another curb cut provided to Delatour Road which will provide future access to the adjacent property that is still vacant. The Stewarts site will be subdivided from the original parcel (3.23 acres) in between Stewarts and Salvation Army store. A stormwater management area is shown at the rear of the property. Thirty-nine parking spaces will be provided. NYS DOT has done a preliminary review of the plans and provided comment.

Staff opinion is to modify local approval to include:

1. NYSDOT approval for design of highway access, drainage and assessment of road capacity.
2. All easements should be recorded on the deeds shown on the maps.
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 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 Sean Maguire. The motion was seconded by Ben Syden and unanimously approved by the board.

Case #1-160302483

Shaker Plaza, LLC

488 Albany Shaker Road/CR 151, south side of CR 151, 175' northwest of Osborne Road, Colonie
Use variance to allow a restaurant with 12-15 seats to occupy space in an existing commercial building with a 75' setback to the single family residential zone where 100' is required. The building location predates the updated town zoning code of 2008 that changed the zoning and added the setbacks in question. The building has other tenant spaces, so the parking lot is shared. There are two curb cuts to CR 151 for the retail building. Applicant has stated that two different restaurants previously occupied the building.

Staff opinion is to modify local approval to include:

1. Review by the ACDOH for food service and other required permits.
2. The town should ensure that there are enough parking spaces for the proposed use. The site plan submitted does not accurately depict the existing number of spaces in the parking lot.
3. The town zoning board should condition approval of the variance on a site plan review by the town in order to address the best design layout for parking spaces and access to Albany Shaker Road/CR 151.

Board discussion: Ben Syden expressed concern for traffic along Albany Shaker road and the difficulty making left from so many places. He would like this site to be a right in and right out only onto Albany Shaker Road. There was discussion as to how the property could connect to other properties to reduce curb-cuts and access to Albany Shaker Road. The issue of grade changes impacts the connections possible between properties. Dominic Rigosu said since the project is a use variance the site planning comments should be an advisory.

Ben Syden made a motion to accept staff opinion with a change to add an advisory that the town should consider at site plan review the possibility of reducing the number of curb cuts and/or access management with the adjacent property to the east due to the difficulty in making left hand turns from this location on CR 151. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #7-160302484

Rosetti Mini Mart

2071 Central Avenue/SR 5, east of the Central Avenue/Lisha Kill intersection, Colonie

Site plan for construction of a 3,500 s.f. convenience store with a drive thru lane for food service and six fuel islands with 12 fuel pumps and fuel canopy. The existing structures on the site will be demolished. The property includes an existing car wash facility. Access to the site and the property in the rear will be from a curb cut to SR 5 at a former private driveway/street (Earl Ave). The existing curb cut to SR 5 from the car wash will be changed to an exit only. There is also an existing access to Lisha Kill Rd behind the car wash that will not change. The applicant owns adjacent lands that will be used to enlarge this site by adjusting property lines. A stormwater management basin is shown at the rear of the property and is located partially on the adjacent lot. This property was previously reviewed and disapproved in October 2015 for site plan, the design has since been revised as per NYS DOT comments.

Staff opinion is to modify local approval to include:

1. Approval by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.
2. Review by the Albany County Department of Health for any proposed grease trap.
3. All easements required as part of site plan approval should be recorded in the deeds for all properties.
4. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.
5. 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.

There was board discussion of the changes to the plan since previously reviewed. The access was discussed. Ben Syden asked if there could be a connection made with the property to the east. Leslie said when the property in the rear is developed there could be an opportunity to make connections from the new Earl Ave driveway.

A motion to accept staff opinion with a change to add an advisory that the town should consider the access management opportunity in the future for a connection to the adjacent property to the east using the newly designed access of Earl Ave to SR 5 was made by Sean Maguire. The motion was seconded by Ben Syden and unanimously approved by the board.

Case #10-160302485

Eileen Kernozek

20 Stone Road/CR 201, north side of CR 201, east side of Ostrander Road, Guilderland

Subdivision of 16.7 acres into two lots for residential use. One lot will be 3 acres and has an existing house. The second lot will be 13.7 acres and shows a proposed house, septic system and driveway to CR 201.

Staff opinion is to modify local approval to include:

1. Any new access to CR 201 from the newly created 13 acre lot will require review by the Albany County Department of Public Works for design of highway access, assessment of road capacity and drainage.
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 NYSDEC SPDES GP-0-15-002. The DEC website has more information.
3. Before building permit approval for the residential use on the 13 acre lot the location of the septic system should be evaluated by the ACDOH.

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 #4-160302489

Peter K. Frueh, Inc. (Update Mining Plan)

117 Old Quarry Road/CR 102, southwest side of CR 102, southeast of Collabeck Road, Feura Bush Special use permit for an updated mining plan that includes an extension of an existing mining operation. The operation is a limestone quarry with the primary purpose of supplying stone material for Frueh Inc. construction projects. NYS DEC has authority for mining permits under the Mined Land Reclamation Law and has reviewed the proposal to update the mining permit that includes increasing the area of the mine from 5.3 acres to 13.2 acres and issued a letter of notice of a complete application. Drainage plans are included in the applicant's application to DEC under the mining permit which incorporates stormwater management planning and will be approved by DEC as part of the mining permit. Generally drainage is required by DEC in mining permits to be directed internally to the mine. However, the plans indicate a point of stormwater discharge offsite to an apparent intermittent waterbody that flows to a culvert under CR 102. The quarry has existing access to CR 102. The applicant states that the mine expansion will not increase truck traffic beyond 20 trips per day. An agricultural data statement is included in the file.

Staff opinion is to modify local approval to include:

Modify local approval to include:

1. The approval of the special use permit should include the condition that the applicant meet the conditions of the Mined Land Reclamation Permit issued by NYS DEC for construction of drainage, water and erosion control features as well as no offsite discharges. The county has concerns about offsite drainage shown on the plan that flows toward CR 102.
2. Notification of the application should be sent to the adjacent municipality Town of New Scotland, due to the proximity of the town boundary.

There was discussion of the existing condition of the drainage channel, the culvert on CR 102 and the added area to the mine operation listed on the plan for "topsoil manufacturing" that is situated at the top of the drainage channel. There was discussion of the mining permit having different stormwater regulations applied compared to regular SWPPP for a commercial type development. Leslie said that DEC was contacted with county questions and had not responded. There was discussion of changing the wording of staff opinion to strengthen the recommendation.

A motion to accept staff opinion was made by Sean Maguire with changes made to wording of "should" to "shall" and adding "strong" to concerns in the last sentence. The motion was seconded by Ben Syden and unanimously approved by the board.

Case #17-160302494

Bayview Loan Servicing LLC

720 4th Street, southeast corner of 4th Street and 8th Avenue, Watervliet

Use variance to allow existing commercial buildings (15,910 s.f.) on a property to be used as a real estate and property management office with associated storage/garage space and self storage facility. The previous use of the building has been storage, office distribution, but it has been vacant due to a foreclosure. There is parking available for a total of 50 spaces. Access is to city 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 Sean Maguire. The motion was seconded by Ben Syden and unanimously approved by the board.

Case #8-160302495

Verizon Wireless – retail store

1567 Central Avenue/SR 5, northeast corner of Central Avenue & Parkwood Drive Colonie

Site plan for construction of a 5,950 s.f. retail store for Verizon Wireless on a 1.25 acre property that was previously used by a drive-in restaurant (L-Ken's drive -in). All existing buildings on the site will be removed. The existing parking lot will be reconfigured and repainted for a total of 60 spaces where village code requires 40 spaces. The amount of acreage to be disturbed is .5 acres. Access to the site is proposed from SR 5/Central Ave as a right in and out only and from Parkwood Dr. There is a traffic signal at Parkwood Dr. The site plan shows an opportunity for access management by connecting the parking lot to the adjacent parking lot for Smokey Bones restaurant.

Staff opinion is to modify local approval to include:

1. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.
2. The Village should ask for comments from CDTA since there is a bus stop located along the property frontage.

Advisory Note:

1. The ACPB supports the idea of access management planning along state highways and encourages the applicant to work with the adjacent property owners to plan a mutually agreeable placement for a connection.
2. While the site is a redevelopment project and less than one acre will be disturbed, there is an opportunity to use green infrastructure practices to reduce the amount of stormwater flow that is being directed to the drainage system for SR 5. The Village should encourage the applicant to use the increase in the amount of green space in the project to incorporate drainage to a green infrastructure practice.
3. The Village may want to incorporate banked parking as part of the approval for the site plan since the applicant is providing 20 more spaces than code requires.

There was discussion on the existing conditions and proposed access from SR 5 and the side street. Leslie said DOT has not yet issued a recommendation or comments for the access. The conditions along Central Ave about difficulties making lefts and the lack of interconnected sites was also discussed.

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 abstained from the voting.

Case #5-160302496

Monolith Solar Farm

1616 River Road/SR 144, east side of SR 144, north side of Thruway Berkshire Spur, Coeymans
Site plan for construction of a ground mounted solar facility that will have 1,980 panels (system footprint of 36,720 s.f./ .84 acres) to provide 450,000 watts of electricity. There is an existing dirt driveway from SR 144 to the property.

Staff opinion is to modify local approval to include:

1. Any work done within the right of way for SR 144 or improvements to the existing access will require a permit from NYSDOT.

Advisory Note:

1. The town should consider establishing conditions to require that if the project is abandoned that it will be removed by the owner.
2. The town should consider if any landscaping or preservation of existing natural screening should remain to buffer adjacent residential property.
3. The town should consider if fencing of the facility is needed.

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

The meeting was adjourned at 4:25 p.m.

The next Albany County Planning Board meeting will be on Thursday, April 21, 2016 at 3:30 p.m. at The Albany County Department of Public Works conference room 449 New Salem Road, Voorheesville, NY 12186.