

Minutes
Albany County Planning Board
March 5, 2015 (rescheduled February 19th meeting)

Present:

Michael DeVall, Chair, Dominic Rigosu, Ben Syden, Bill Anslow

Albany County Planning:

Leslie Lombardo

Secretary:

Janis Dunham Relyea

Guest:

Tom Shepardson, Crossgates Commons

A call to order:

Michael DeVall called the meeting to order at 3:55 p.m.

Approval of minutes:

A motion to accept the minutes from the January 15, 2015 meeting was made by Dominic Rigosu. The motion was seconded by Ben Syden and unanimously approved by the board.

A motion to add an addendum to the agenda was made by Ben Syden. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

In order to accommodate the guest a motion to hear case # 150202174 first was made by Dominic Rigosu. Motion was seconded by Ben Syden and unanimously approved by the board.

Case # 1-150202174

Washington Commons NEWCO, LLC – restaurant

161 Washington Avenue Extension, north side of Washington Avenue Extension, approximately 240' west of Springsteen Road (internal roadway for shopping plaza), Albany

Site plan and related parking lot permit for construction of a 2,600 s.f. restaurant with 21 parking spaces on .56 acres. The site is located next to an existing restaurant (McDonald's) located between Washington Avenue Extension and the internal roadway for the shopping center. The two restaurant sites will not be interconnected. There are a number of utilities that criss-cross the site. Applicant states that stormwater will be managed in accordance with an updated plan to be prepared by applicant's engineer. There are two driveway access points to the internal roadway for the shopping center.

Staff opinion is to modify local approval to include:

1. The city should consider requiring the two proposed driveway access points be restricted to one for entrance and one for exit only due to the small size of the site and the location within the shopping center.
2. Pedestrian accommodations should be considered for this project. A letter from CDTA in 2013 as part of the McDonald's site plan indicated the ridership level to the shopping center was high

and as a result pedestrian accommodations within the shopping plaza should be considered as a part of the McDonald's approval.

3. Review by the Albany County Department of Health for food service and other required permits.

Michael DeVall asked the guest if he would like to comment and if Board members had questions Bill Anslow asked about the stormwater. Tom Shepardson said that McDonald's had to install drywells, the City will most likely request the same for this project.

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

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Dominic Rigosu made a motion to consider the **18** cases for defer to local consideration and approve as is. The motion was seconded by Dominic Rigosu and unanimously approved by the board.

Case # 7-150202158

Lowe's Sidewalk Expansion
790 Loudon Road/SR 9 and Kunker Avenue
Latham

Site plan to expand the existing sidewalk in front of a retail store to allow outdoor display. There will be a reduction of 13 parking spaces (488 spaces reduced to 475) in order to reconfigure the space in front of the store. This property was previously reviewed in February 2013 (ACPB case # 7-13/2/1634).

Case 1-150202159

City of Albany Zoning code amendment-Commercial Office residential Overlay
Southwest corner of State and Eagle Street
Albany

An amendment to the City zoning ordinance to create and overlay zone on 13 parcels in the Commercial Office district (C-O) to allow residential development and other mixed uses that are currently not allowed. The uses proposed in the overlay are allowed uses in the adjacent Central Business (C-3) zoning district. The accessory and special permit uses for the overlay zone will be the same as the original C-O zone. The yard regulations will be the same as the adjacent C-3 zone. Off street parking requirements will follow the existing parking regulations in the code with the one change to location distance for the accessory spaces.

Case # 7-150202161

Margaret Lanahan
219 Consaul Road, northeast side of Consaul Road, across from Danbury Court
Colonie

Area variance to allow a two lot subdivision that will create a flag lot with 25' road frontage where 80' is required. A proposed single family home would be built on the rear lot. An existing home is on the lot at the front of the property. The driveways have access to a town road.

Case # 7-150202162

Platinum Auto (front display)

Site plan for an 800 s.f. parking area that will be located 10' from the front property line to allow for care sales display at an existing care sales business.

Case # 7-150202163

Keeler Mercedes Benz – showroom expansion

1111 Troy Schenectady Road/SR 7, North side of SR 7, across from Albany Shaker Road
Latham

Site plan to construct an expansion of an existing auto dealership showroom by 1,600 s.f. The additions will primarily fall under the existing canopy at the front of the building and includes an extension of the canopy by 840 s.f. No changes to the number of parking spaces or the existing access to SR 7.

Case # 10-150202164

Rosa Belleville

2 Alton Road, south side of SR 5
Albany

Special use permit to allow a home occupation for alteration services in an existing residential building. The dwelling has access to a town road.

Case # 18-150202165

Timothy and Kathryn Pearson

67 CR 410, south side of CR 410, west side of CR 401, adjacent to the (County DPW Westerlo substation),
Westerlo

Subdivision of 68.7 acres into two lots. One lot will be 9.77 acres with an existing residence and driveway to CR 410. The second will be the remaining 58.9 acres, which are vacant.

Advisory Note: Any new driveway to CR 410 or CR 401 for the vacant parcel will require a permit from the Albany County DPW.

Case # 10-150202166

Crossgates Mall signage
1 Crossgates Mall Road
Albany

Area variance from maximum sign square footage regulations to allow an exterior sign of 50 s.f. for an existing tenant (Burlington Coat Factory). The sign will be placed on the building façade.

Case # 10-150202167

Sundance Lev

1434 Western Avenue/SR 20, south side of SR 20, between McKown Road & Westlyn Court
Albany

Special use permit to allow an existing commercial building to be used for a dog grooming business. No changes are proposed for access to SR 20. There is an existing parking lot.

Case # 10-150202168

Corey Heenan

2563 Western Avenue/SR 20, northeast corner of SR 20 & Highland Drive, Altamont

Special use permit to allow a dog grooming business in an existing commercial building, Park Place shopping plaza. No changes are proposed for the access to SR 20. There is existing parking available.

Case # 4-150202170

Town of Bethlehem-zoning amendment-Delaware Avenue Hamlet Overlay

Delaware Avenue area between Hudson Avenue and Adams Street, Delmar

An amendment to the town zoning ordinance to add an overlay zoning district to an area of the town along Delaware Avenue/SR 443 which is currently zoned Hamlet in some sections and Commercial Hamlet in others. There are a significant number of parcels included in the overlay. The overlay district was a recommendation from a planning study done by the town and CDTC, with participation from NYSDOT. The plan was called Delaware Avenue Enhancement Study. The purpose of the overlay is to allow for more flexible regulations of certain zoning requirements in order to encourage both business and a pedestrian oriented environment in the existing commercial main street area. Amendments include: front yard setback, off street parking requirements, shared parking, considerations for special use permit and site plan applications to be used by the town planning board. The amendments are directly connected to the enhancement study.

Case # 1-15202171

Terra Stratton

634 Madison Avenue, south side of Madison, 190' west of Robin Street, Albany

Special use permit to allow an existing residential structure to be used as a bed and breakfast. There is parking at the rear of the property.

Case # 1-150202172

Albany Housing Authority

245 Green Street, west side of Green, 30' north from Fourth Avenue, Albany

A demolition plan for an existing commercial building. The vacant structure is 1,400 s.f. The property will be left as green space maintained by the Housing Authority.

Case # 1-150202173

EGL Realty Partnership L.P.

20 Park Street & 44-50 Eagle Street, northeast corner of Eagle and Lancaster Streets, east side of Park Street, Albany

Site plan for the conversion of a five story 85,000 s.f. office building to 74 residential units. No changes are proposed for the exterior of the building. An adjacent parking lot will be restriped to provide 19 parking spaces for the building. Applicant proposes that additional parking is available in an existing garage located on Hudson Avenue. The building is located in the Commercial Office zone which does not allow residential apartments, but the City has proposed an amendment to the zoning code to create an overlay zone, that includes these parcels, in order to allow residential use (see case #1-15/2/2159 on this agenda). The site is located across the street from the new convention center project currently under construction.

Advisory Note: The defer to local consideration of this board is made with the assumption that the City planning board will not take action on the site plan approval until the overlay zoning amendment is approved since the use proposed in this site plan application is not allowed in the current C-O zone.

Case # 5-150202176

Karlie Vavrinek-area variance

409 Starr Road/CR 102, west side of CR 102, south of Bushendorf Road, Coeymans

Area variance from minimum lot size to allow a lot line change between two non-conforming properties that will further decrease the size of one lot by 6,700 s.f. resulting in a lot size of 33,211 s.f. The

required minimum lot size for the zone is 80,000 s.f. The second lot will be 36,707 s.f. There are existing residences on each lot and driveways to CR 102.

Case 13-150202179

Martha Oden & Donald Baker

443 New Scotland Road/CR 308, west side of CR 308, north side of railroad tracks, New Scotland

A subdivision that is a lot line adjustment between two parcels. A 1.3 acre strip of land will be transferred from one parcel to another. The strip of land is 53' wide at the frontage with CR 308. Applicant states that the purpose is to plan for future estate planning and better access to farm property. No new access is proposed along CR 308.

Case # 1-150202183

Grant Ventures, LLC, north side of Washington Avenue, on the east side of the east bound entrance ramp to I-90, Albany

An amendment to a previously approved variance for height to allow a further increase of approximately 8 feet to the height of a proposed four story student housing structure. The original variance allowed a height of 50' from the Washington Avenue grade in order to allow for use of an energy efficient HVAC system that requires additional space for ducts on each floor and a change in the grade of the parking level that accesses Washington Avenue. The top of the parapet elevation will be 323'.

Case # 4-150202157

Catalano – Gas Station/Convenient Mart

194 River Road/SR 144, east side of SR 144, approximately 15' south of Retreat House Road
Glenmont

Area variances from front and rear yard setbacks to allow a fuel pump canopy for a proposed gas station to be setback 34' from the front property line where 50' is required and 12' from the rear property line where 50' is required. A proposed kiosk building for the gas station use also requires a variance from the front setback, it is shown to be setback 13', instead of 50'. The proposed site plan for the gas station also includes an existing building on the property to be used as a convenience store on the first floor with four apartment units on the second floor. Applicant states that it is unknown if an existing septic system for the building works. A proposed garage structure is shown in close proximity to the existing septic area.

Advisory Note: While the variances themselves do not appear significant when considered separately from the overall proposal, they due impact the site plan proposal which has significant issues. The town zoning board may want to consider maintaining code requirements in order to properly size the project due to the proposed uses; including underground gasoline storage within close proximity to the floodplain boundary and the Normanskill Creek, the number of structures proposed, the need for an adequate septic system review, the lack of an accomodation for stormwater management, and the fact that sections of the property fall within the floodplain and may not function as acceptable septic area. This project appears to be an overutilization of a marginal property.

There was discussion by the Board of the project and the advisory statement and whether or not disapproval should be made. It was agreed after discussion that there was no direct county impact from the area variance requested and that the advisory statement made clear what the concerns were.

GML CASES RECOMMENED FOR MODIFICATION

Case #7-150202156

Albany RV Parking Lot
34 Rensselaer Avenue, south of SR 7, west side of Rensselaer Avenue
Latham

Site plan to construct a 177 space parking lot for use by an RV retail and service business located on the adjacent property to the south. The 9.28 acre property is made up of many small tax lots and paper streets, the lots will be combined under one ownership. Stormwater management basins are proposed. There are federal wetlands on the site. The previous site plan review for the adjacent RV sales/service property included notification of historic features by State Parks, Recreation and Historic Preservation (ACPB case #7-13/3/1653).

Staff opinion is to modify local approval to include:

1. Review of the entire project by the U.S. Army Corps of Engineers to determine regulatory jurisdiction 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. Review by the NYS Office of Parks and Historic Preservation for potential impacts on archeological and historic resources, due to the fact that historic features were found on the adjacent site.

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

Case # 16-150202169

MPR Excavation
1 Countryside Lane, west side of CR 208/School Road, north side of railroad tracks
Voorheesville

Special use permit to allow the storage of excavation equipment and material (sane and topsoil) on a vacant property in the industrial zone. The applicant also proposes to the occasionally sell material (sand) from the site. The property has an existing dirt access driveway to CR 208. The applicant is proposing a shale driveway with a shale parking and storage area. There is a drainage ditch that crosses the property from north to south approximately 220' west of the front property line. The drainage swale connects federal wetland areas to the north and south of the property.

Staff opinion is to modify local approval to include:

1. Notification of the application should be given to the adjacent Town of New Scotland.
2. The village should ensure that the spills from vehicle fuel oil and gasoline does not enter the drainage swale on the property that leads to wetland areas off site. This can be done by installing a stormwater management practice.

3. Review by the Albany County DPW of highway access, assessment of road capacity and drainage. A paved apron area may be required.

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

Case # 7-150202169

Afrim's Sports Park

969 Watervliet Shaker Road/CR 157, opposite Sand Creek Road

Colonie

Site plan for construction of a soccer facility that includes an indoor air supported structure that is 89,754 s.f. (72' high at the peak), an attached two story lobby building (6,000 s.f gross floor area), 864 s.f. pavilion, 400 s.f. maintenance garage, four outdoor artificial turf soccer fields, and parking for 388 cars. Off-site shared parking arrangements are planned for special tournament events at the soccer facility. Pedestrian accommodations were requested by the town to facilitate safe access to the site. The site will have access to CR 157/ Watervliet Shaker Road at the signalized intersection with Sand Creek Road. A stormwater management basin is shown on the plan, but a SWPPP has not been provided. Sewer and water line extensions will be made to the site. There are federal wetlands on the property, .5 acres will be disturbed. Outdoor lighting is proposed on two of the four outdoor fields. The property is within the town designated Historic Overlay District and the Airport Area GEIS. This project was reviewed previously for a special use permit in September 2014 (case #7- 14/8/2017).

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. The applicant will need to provide a traffic analysis in order for AC DPW Engineering to adequately assess the changes needed for the intersection of CR 157 and Sand Creek Road as well as the changes needed for the traffic signal. The applicant will be required to install, at their cost, any modifications required by the AC DPW permit. The town should be aware that Albany County DPW has an agreement with NYS DOT for the maintenance of the traffic signal. DOT will be consulted for input on proposed changes.
2. A copy of the SWPPP should be sent to AC DPW Engineering for review and approval due to potential impacts to the county drainage system and county stormwater outfalls located along CR 157. As noted by the town, the site falls within the area of enhanced phosphorus removal standards for Ann Lee Pond watershed.
3. A highway work permit from AC DPW will be required for work within the right of way for CR 157. It should be noted that the sewer extension proposed under CR 157 should be done without disturbance to the pavement.
4. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits due to the extensions of sewer and water lines.
5. Review by the Albany County Department of Health for food service and other required permits for the concession service.
6. 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.

7.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.

8.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.

9.Continued coordination with the Albany Airport planner to determine all necessary FAA review and approvals due to close proximity of airport facilities.

10.Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources.

11.The applicant should continue to work with the Shaker Heritage Society to incorporate their comments on the project.

12.The town should ensure that adequate parking will be available and that there is safe pedestrian access from offsite parking locations that the applicant has proposed. It may be prudent to require an additional banked parking area or condition approval on the number of events that will require parking that is not available on site.

There was discussion by the board regarding the impacts to the intersection and the work that would be needed to accommodate the new access driveway, the parking, the overall site plan.

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

Case # 7-150202175

Sonic (redevelopment)

701 Troy Schenectady Road/SR 7, northeast corner of SR 7 and Wade Road Extension, Colonie
Site plan to renovate an existing commercial building for use as a restaurant with a drive thru lane. The previous use of the building was a restaurant. No changes are proposed to the existing one way right in entrance access from SR 7 and two way access to North Wade Road. A parking canopy is proposed over an existing area of pavement.

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 Dominic Rigosu. The motion was seconded by Ben Syden and unanimously approved by the board.

Case # 5-150202177

Karlie Vavrinek-subdivision

409 Starr Road/CR 102, west side of CR 102, south of Bushendorf Road, Coeymans

A subdivision that is a lot line change between two existing residential parcels. Both properties are non-conforming lot sizes. The applicant proposes to move the southern boundary line of the northern lot (#417 Starr Road) further south to gain an addition 6,700 s.f. from #409 Starr Road. An area variance from the minimum lot size is required, see case #5-15/2/2176 on this agenda. The change will allow a larger setback from the property line to the existing house. There is an existing parking area on the property in addition to the driveway.

Staff opinion is to modify local approval to include:

1. The town should require a note on the plat that the existing parking area will not be expanded. Typically residential properties are allowed one access to a county road.

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

Case # 5-150202178

Arron Flach

2433 Route 9W, west side of 9W, approximately 140' north of SR 143, Ravena

Subdivision of property with the intent to merge adjoining parcels with lands being subdivided. The town and village boundary line divides the parcel to be subdivided, which is tax lot #168.13-1-5. Applicant wants to divide .276 acres within the Town of Coeymans off of this property (leaving .902 acres) and merge it with adjacent lots to the north and south that are within the town. There is a mix of existing commercial structures on the property and pavement areas closest to SR 9W. The area to be divided off and merged is mostly vacant.

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to the adjacent Village of Ravena.

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

Case # 16-150202180

Miller 2-lot subdivision

Prospect Street, west side of South Main Street/CR 201, south of the RR tracks, Voorheesville

Subdivision of 10+ acres into two lots. Lot #1 is 3.49 acres. Lot #2 is 6.64 acres. Access is to a local street. The properties will use septic systems, public water is available. There are steep slopes on the property that are crossed by the driveway for lot #2. There are ACOE wetlands on the site. This property has been reviewed previously in 2009, 2010 and 2013 for subdivision.

Staff opinion is to modify local approval to include:

1. The location of the septic systems should be evaluated by Albany county Department of Health as part of the subdivision of the land.
2. The Village should request that the local fire department review for adequate access and turn around due to the length of the driveways and the steep slopes on lot #2.

3. It would be advisable for the applicant to submit a permit application to ACOE to determine if a permit is needed for the driveway crossings over the stream/wetland due to the amount of fill to be used. (Joint Application Form available on the NYS DEC website).
4. The land owner of the subdivision should notify purchasers of the lots that they must prepare a SWPPP for erosion and sediment control, if construction will disturb more than one acre of land. (Disturbance includes the driveway for a single family home and a septic field). This is part of NY SPDES GP-0-15-002. The DEC website has more information.
5. There should be a share access agreement including a maintenance agreement referenced in the deeds for both properties.

Advisory Note: There is a discrepancy on the acreage totals on the map that should be corrected by the applicant. The total acreage for tax lot 1.2 is noted on the map as 12.883 acres. However, the acreage of lots 1&2 noted on the map total 10.136 acres. In July of 2014 a map was filed with the County Clerk's office that shows lot #1.2 to be 10.06 acres and lot #1.1 to be 6.45 acres; however no deeds were filed. The county tax maps show lot #1.2 to be 13.63 acres. Also the applicant's application to the Village states that the acreage involved is 8 acres.

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

Meeting was adjourned at 4:27 p.m.

The Albany County Planning Board will meet again on Thursday, March 19, 2015 at 3:30 p.m. at Albany County Department of Public Works conference room at 449 New Salem Road, Voorheesville, NY 12186.