

**Minutes
Albany County Planning Board
May 19, 2016**

Present:

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

Albany County Planning:

Leslie Lombardo

Secretary:

Janis Dunham Relyea

Guests:

Sharon Boehlke, Christa Martin, Viola Joy, Judith Fritz, Francis MesMarcis for case #160502549

Jeremy Cramer, Town of New Scotland for cases #160502549, #160502550

Dave Ingalls, Ingalls Engineering for cases #160502537, #160502539, and #160502543

A call to order:

Dominic Rigosu called the meeting to order at 3:32 p.m.

Yomika Bennett made a motion to accept the minutes from the April 21, 2016 meeting. The motion was seconded by Roland Graves and unanimously approved by the board.

To accommodate the guests Yomika Bennett made a motion bring the following cases to the front of the agenda 160502537, 160502539, 160502543, 160502549 and 160502550. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #13-160502549

Town of New Scotland Local Law B of 2016-adding to list of special use permits

Amendment to the town zoning ordinance to add "agricultural supply facility" as allowed by special use permit in the Residential Agricultural zone and Commercial zone. The definitions section (190-99) is also amended to add agricultural supply facility. The facility may only be located on county or state highways and be situated on 5 acres or more. The amendment includes a purpose and findings statement.

Staff opinion is to modify local approval to include:

1. Notification should be sent to all adjacent municipalities, since the RA zone borders other municipalities.

Dominic Rigosu addressed the guests; he thanked them for coming to the meeting. He told the group that county planning board has limited jurisdiction, the county planning board has to follow the general municipal law 239, we can advise the town, but we can't dictate what they do or don't do with town zoning. Also, we have not been presented with any projects. This is a local law for review.

Judith Fritz addressed the board regarding zoning, variances and special uses for small farm equipment. She is concerned that an Agway type business will be disruptive. She mentioned current businesses along CR 308 that are disruptive.

Jeremy Cramer building inspector for Town of New Scotland addressed the board, he said that currently all the uses on the road are approved uses for that zone.

Sharon Boehlke addressed the board stating that the site in question constantly has amendments to the site use. She attends town board and planning board meetings. She is not in favor of what they want to do here. It was brought up by two people who own land there.

Ben Syden explained GML 239 to the group and explained what the law allows the county planning board to rule on. We can only look at the law proposed now and make recommendations to the town; we can't address local zoning enforcement or violations issues on individual sites. If a site plan comes to the board we will review and make comments.

Francis DesMarcuis asked if a traffic study could be done and how can we use the findings? He is concerned about the intersections at both 443 and 85 (with CR 308) and knows that traffic lights are not able to be placed in either spot. Vehicle transport trucks have already proven to be a danger to the area, feels there will be an accident resulting in a law suit.

Christa Martin submitted a letter to the board that summarized her concerns.

Roland Graves and Yomika Bennett thanked the guests for coming and voicing their concerns. Sean Maguire and Dominic Rigosu reviewed GML 239 and county planning board authority with a local law versus a site plan.

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

Case #13-160502549

Town of New Scotland Local Law C of 2016 -parcel size for agricultural uses
Amendment to the town zoning ordinance to increase the size of agricultural use parcels from a minimum of 5 acres to a minimum of 7 acres in order to correlate with NYS Agricultural Markets Law. The definitions code section will be updated, each of the zoning description sections, the special use permit list and yard & height regulations section.

Staff opinion is to defer to local consideration.

Jeremy Cramer addressed the board, stated that a draft analysis was done to look at the number of properties that would be affected by the amendment.

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

Case #4-160502537

Charlew Subdivision

Corrit Drive & Bain Drive, south end of Leonard Place off of Feura Bush Road/SR 910A, Delmar
Subdivision of 20.7 acres into 29 single family residential lots with associated roadways and several stormwater management areas. The subdivision will be connected to two adjacent subdivisions by town streets. There are federal wetlands on the property that will be crossed by proposed roadways, .2 acres

will be impacted. The impacted wetlands will be mitigated in another area on the property adjacent to existing wetlands. Lot sizes for the subdivision range from .32 acres to 1.2 acres.

Staff opinion is to modify local approval to include:

1. Review by Albany County Department of Health for realty subdivision required permits.
2. Any wetlands disturbance will required notification and review by the U.S. 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 the 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.

Dave Ingalls gave a brief description of the project.

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

Case # 4-160502539

Coeymans Recycling Center, LLC DBA Coeymans Industrial Park
126 Port Road South along Hudson River, Bethlehem

Site plan for mooring of a temporary spud or breasting barge (50'x300') in the Hudson River along the frontage of an existing industrial property. The purpose of the barge is to provide access to deeper waters for the loading of ships. The barge will be connected to land by two temporary bridges connected to headwalls to be constructed on the shoreline. The applicant states that the barge will be used until December 2020 to facilitate the loading of pre-cast concrete slabs for use in the NYC area. Ten to twelve trucks will make delivery to the site every day. Applicant states no dredging will be required. The barge will be anchored to the bottom of the river. Approximately 250' of shoreline will be cleared and stabilized with rip rap material. The site is located in the floodplain and within a designated federal wetlands area. Access to the site is from Port Road South that accesses SR 144/32. The project requires review by multiple agencies for compliance with environmental regulations due to the location in the Hudson River. The applicant has submitted copies of forms for those agency's environmental reviews.

Staff opinion is to modify local approval to include:

1. Review by the NYSDEC to determine regulatory jurisdiction pursuant to Article 15.
2. Notification of the application should be sent to the adjacent municipality, City of Albany.
3. Notification of the application should be sent to the Albany Port District Commission.
4. Review and approval for compliance by NYS Department of State Coastal Management Program.
5. Any wetlands disturbance will require notification to and review by the US Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

Dave Ingalls gave a brief description of the project. There was discussion by the board. Dominic Rigosu asked about fire department reviewing, there was discussion of types of materials on site.

A motion to accept staff opinion with the addition that notification is given to the local fire department was made by Sean Maguire. The motion was seconded by Roland Graves and approved by the board. Yomika Bennett recused herself from voting.

Case # 5-160502543

William Biers

SR 144, west side of SR 144, across from Port of Coeymans, Coeymans

Site plan for construction of an equipment storage and maintenance building (150'x75") with office space and construction of outdoor equipment and materials storage and sales pads. The property currently has access to SR 144, but additional curb cuts are shown. The site plan shows a stormwater management area, but no details are shown. The 70 acre property already has an activity of materials and equipment storage as well as access to SR 144 on the northern end of the parcel. It appears that the proposed activity will be connected to the proposed use by an internal roadway that will cross a stream. The property has steep slopes that in some areas grade towards SR 144. It appears that significant regrading will be required on the site and that drainage is being directed to several different areas only one of which is the stormwater management area.

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
2. Any wetlands disturbance will require notification to and review by the US Army Corps of Engineers for permits under Section 404 of Clean Water Act.
3. A Notice of Intent filed with the NYSDEC affirming that the 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.
4. Review by the NYSDEC to determine regulatory jurisdiction pursuant to Article 15 (Protection of Waters) for the impact to the stream from the road construction.
5. Review by the Albany County Department of Health for water supply and waste water discharge.
6. The applicant has not completed the EAF; the number of acres to be physically disturbed is left blank. A town SEQR determination will require a complete EAF.

Advisory: A grading plan for a project this size would help the town to better evaluate the site plan.

Dave Ingalls addressed the board, he gave a brief overview of the project and stated that the grading plan is in progress as part of the SWPPP. He did not think NYS DOT approval was necessary.

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

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Yomika Bennett made a motion to consider the 7 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 # 1-160502530

AB Acquisitions Holdings, LLC

991 Broadway, southeast corner of Broadway and Tivoli Streets, Albany

Site plan for conversion of an existing commercial/industrial building (100,000 s.f.) previously used as a storage warehouse for use as 65-75 residential dwelling units and 7,750 s.f. of retail spaces on the ground floor. A single story addition on the existing building be demolished. On-site parking will be provided with 156 spaces which meets zoning requirement.

Case #2-160502535

Matthew R. Aumand Fence

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

Area variance from height of a fence to allow a residential property to use a 4' fence for the yard where only 3' is allowed by code. This property was previously reviewed for site plan case #2-16/4/2515.

Case #1-160502536

Amendment to Park South URP and PDD

71-91 Dana Avenue, between New Scotland Ave and Knox Streets, Albany

An amendment to the Park South Urban Renewal Plan (URP) and Planned Development District (PDD) to allow for changes for height and use for property located at 71-91 Dana Avenue. The proposed changes include allowing a four story development and construction of a multifamily development with associated parking at 81-91 Dana Avenue. The term of the URP is proposed to be extended and the map for the district updated according to the changes proposed.

Case #7-160502538

Wolf & Marcus LLC

199 Wolf Road, southeast corner of Wolf Road & Marcus Blvd, Colonie

Site plan for modifications to an existing parking lot for an office building that will remove pavement in some areas and add pavement in another area to accommodate the same number of parking spaces. Minor changes to the existing stormwater management area will also be made. No changes to the existing stormwater management area will also be made. No changes to the access to Wolf Road are proposed.

Case #13-160502551

Scott Macomber

55 New Scotland Road/CR 308, east side of 308 across from Pangburn Road, New Scotland

Subdivision of 41 acres into two lots. One lot will be 10.7 acres located in the RH zone on the east side of CR 308. The second lot will be 30.7 acres located in the RA zone on the north side of Pangburn Road, west of CR 308. Both lots are vacant and no new development is shown. There is an agricultural data statement in the file. There is a note on the plat for the agricultural district and a note referencing land disturbance requirements. The property was previously reviewed for subdivision in 2015 (case 3 #'s 13-15/9/2355 & 13-15/12/2431).

Case #3-160502558

Albany County Sheriff's Department-Communication Tower

Special use permit and site plan to allow construction of a 180' lattice tower with antennas and accessory equipment for the purpose of public safety communications. The tower will be built within a leased compound area (3,200 s.f., 50' x 60') on an 85 acre parcel. An existing farm road on the property will be improved as needed for access to the lease area. The property itself is located off of a town

road. There is an agricultural data statement included in the file. Applicant states that less than one acre will be disturbed. The application includes an analysis for FAA compliance for registration.

Case #3-160502559

Glen Willsie

641 Heldeberg Trail/SR 443, north and south sides of SR 443, between Filkins Hill Road and Joslyn School Road, Berne

Subdivision of 90 acres into two lots. One lot will be 17 acres and has an existing residence and several outbuildings with access to SR 443. The second lot will be the remaining lands and has existing barn buildings with access to SR 443. No new development is shown. The map includes a note referencing the agricultural district lands, and need for compliance with stormwater management regulations if disturbance is greater than one acre. The file includes the agricultural data statement.

GML CASES RECOMMENDED FOR MODIFICATION

Case # 7-160502532

Stewart's Shop-Fuller Road

19 Fuller Road/CR 156, west side of CR 156, between Pinehurst & Katherine Road, Colonie

Site plan for construction of a 3,975 s.f. convenience store with 34 parking spaces and four fuel pump islands with a canopy. The existing structures on the property will be removed and the tax parcels consolidated. Access will be to CR 156/Fuller Road and Katherine Road, a town road. A stormwater management area is planned behind the store. This project was previously reviewed for variances in February 2016 (case #7-16/2/2449).

Staff opinion is to modify local approval to include:

1. A highway work permit will be required by the Albany County DPW for all work within the right of way of 156.
2. A highway access permit will be required from Albany County DPW.
3. The SWPPP should be sent to the AC DPW Engineering Stormwater Management for approval.
4. The applicant should be aware when preparing the SWPPP that the Albany County Local Law #7 of 2007 prohibits non-stormwater discharges to the separate storm sewer system. In addition; the project will be required to avoid any increase in discharge of stormwater to the Albany County drainage system up to and including the 25-year storm.
5. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
6. Review by the FAA (Form 7460-1 available from www.faa.gov) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within prescribed Runway Approach Surfaces.
7. The applicant will need to meet the requirements for a redevelopment project under the NYS Stormwater Management Design Manual.

There was discussion about the location and the current conditions, trucks parking in roadway to go into store. Question of whether the space will continue to be used by Stewarts.

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 #7-160502533

Cumberland Farms

1159 Troy Schenectady Road/SR 7, north side of SR 7, opposite British American Blvd, Latham
Site plan for construction of a 4,786 s.f. convenience store with 8 fuel pump islands and a canopy.
Access will be to SR 7 as well as to a future roadway on the adjacent lot to the west. The future road will have access to the traffic signal at the intersection of SR 7 and British American Blvd. The property was previously reviewed for a similar development by a different applicant in 2015 (case #7-15/1/2148). The site is within the GEIS study area, mitigation fees will be applied. A stormwater management area is shown behind the store. The property includes two tax parcels that will be merged.

Staff opinion is to modify local approval to include:

1. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
2. A Notice of Intent filed with the NYSDEC affirming that the 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 FAA (Form 7460-1 available from www.faa.gov) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.
4. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
5. Review by the Albany County Department of Health for any permits necessary for the grease traps.
6. There should be a shared access agreement including a maintenance agreement referenced in the deeds for properties using the shared roadway on the west side of the side.

There was discussion about the location and the previous proposal.

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 # 7-160502534

Skylane Motel Redevelopment

1927 Central Avenue/SR5 northside of SR5, east of Reber Street, Colonie
Site plan for construction of a 42,180 s.f. three story self storage facility. The existing motel on the property will be demolished, but one existing building (1,600 s.f.) will remain and be used as office space for the facility. There is existing access to SR 5. The site is less than one acre, but a stormwater management area is shown at the rear of the property. The site is within the Lishakill GEIS area, mitigation fees will apply.

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 due to the change in use.
2. Approval by the town stormwater management office for the proposed stormwater management area shown on the plan.

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 #4-160502540

SevenZocks Storage and Building

99 South Albany Road/CR 54, South side of CR 54, 300' west of intersection with Albany Water Board ROW, Selkirk

Site plan for construction of a 50'x60' storage building for use by a landscape contractor business. The building will store equipment and trucks. Parking for five vehicles is shown at the rear of the building. The property has existing access to CR 54 with two open areas. Existing buildings on the property will be demolished. The site plan shows a boundary line change with the adjacent property to the east, .52 acres will be divided off of the applicant's parcel and merged with the adjacent parcel. The Albany Water Board right of way is adjacent to the applicants land to the south. Applicant states that less than one acre will be disturbed. Drainage is shown to be to the rear of the property.

Staff opinion is to modify local approval to include:

1. A review by the Albany County DPW for design of highway access, assessment of road capacity, and drainage due to the change in use.
2. Notification of the project should be sent to the Albany County Water Board.

Bill Anslow asked that a third recommendation be added regarding the newly built fence on the property, that it should not encroach on the County ROW.

A motion to accept staff opinion with the addition of a recommendation that the fence not be encroaching on county road ROW was made by Sean Maguire. The motion was seconded by Roland Graves and unanimously approved by the board.

Case # 7-160602541

Wade Development Plaza

615 Loudon Road/SR 9, east side of SR 9, south of Glennon Road, Colonie

Site plan for construction of commercial buildings, including a drive thru restaurant (3,150 s.f.), a retail store (5,050 s.f.) and a sit down restaurant (5,100 s.f.). The buildings will have frontage along SR 9 with a shared parking lot in the rear. All of the existing commercial buildings on the property will be demolished (previous A-Frame Pool store). There is existing access to SR 9 with two curb cuts. NYS DOT had made preliminary comments on the site plan. The northern access point has been planned to be in alignment with a future traffic signal. A future access driveway connecting to the property to the south is shown at the rear of the site. The existing site drainage conditions discharge to the SR 9 drainage system.

The redevelopment plan will provide an increase in the amount of green space on the site. Applicant states that due to that condition the stormwater management requirements have been met.

Staff opinion is to modify local approval to include:

1. Approval by the NYSDOT for design of highway access, drainage and assessment of road capacity.
2. Review by the Albany County DOH for food service and other required permits.

3. The applicant will need to meet the requirements for a redevelopment project under the NYS Stormwater Management Design Manual.

There was discussion about Rt 9 traffic, conditions along this area.

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 #4-160502542

Weisheit Minor Subdivision

Weisheit Road, east side of Weisheit Road, south of Wemple Road, Glenmont

Subdivision of 22 acres into two lots. One lot will be 1.83 acres and will be merged with an adjacent residential parcel. The remaining lands will be sold to Central Hudson Utility. A 20 acre easement will be maintained on Central Hudson lands to provide access to Weisheit Road to an adjoining property owner to the east. Weisheit Road is a town road. No new development is shown. There are adjacent lands to this property that are within the agricultural district.

Staff opinion is to modify local approval to include:

1. The 20' access easement and a maintenance agreement should be included in the deeds for the lands.
2. 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.
3. 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 Roland Graves. The motion was seconded by Yomika Bennett and unanimously approved by the board.

Case #15-160502544

Michah & Rochelle Kuhar

26 CR 353, Rensselaerville

Special use permit to allow space within an existing commercial building to be used as a farmer's market and food sales business. The building currently has a diner and post office use. There are two access points to CR 353 on the property, one is close to a curve in the road where sight distance may be an issue. This property was previously reviewed for special use permits for different types of uses in 2014 and 2015. The property owner asked to work with ACDPW Engineering to close one of the driveways to CR 353. The property is now for sale to the applicant.

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.
2. Any necessary permit from NYS Ag and Markets for the sale of food.
3. Review by the Albany County Department of Health for food service if applicable.

Advisory: For commercial uses the town planning board should require a survey or sketch plan so that an adequate assessment can be made for the proposed use; including the number of parking spaces, the location of the well and septic system, the access points to the roadway, the location of any utility lines.

Discussion of access condition, Bill Anslow asked to add to #1 that applicant contact ACDPW regarding the northern driveway, which should be closed.

A motion to accept staff opinion with the addition to #1 as discussed was made by Sean Maguire. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #10-160502545

St. Madeline Sophie School
3514 Carman Road/SR 146

Special use permit to allow an existing building previously used as a doctor office to be used for a Pre-K program by the adjacent private school. No changes are shown to the existing shared access to SR 146 for the proposed building and school. There is an existing parking lot that is connected to the school as well.

Staff opinion is to modify local approval to include:

1. The zoning board should ensure that there is adequate parking and drop off/pick up areas for the expansion of the school use on the property.

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 #10-160502546

Richard Friedlander

6338 Gun Club Road, east side of Gun Club Road, north of SR 146, Altamont

Area variance from minimum lot size to allow a two lot subdivision of 23 acres. One lot will be one acre where zoning requires three acres. The proposed one acre lot has an existing 4 unit apartment building and access to the town road. No new development is shown. Nearby properties are sized under three acres.

Staff opinion is to modify local approval to include:

1. Notification of the application should be given to the adjacent village of Altamont.

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 #10-160502547

1210 Shopping Center

1206-1210 Western Avenue/SR 20, south side of SR 20, across from the entrance to SUNY Albany campus, Albany

Special use permit and area variances from front and side setbacks to allow construction of a commercial building (5,220 s.f.) that will be either a sit down restaurant or a general retail use. Parking is shown for 65 cars. There is an existing parking lot on the property. The existing single story residence

parking lot on the property will be demolished. The site is made up of 3 tax parcels, 2 in the Town of Guilderland and 1 in the City of Albany at the rear of the property. There are two existing curb cuts to SR 20, one will be closed. There is an access connection to the adjacent commercial properties to the west and to the east. The site is one acre and the plan shows a stormwater management practice for an underground storage gallery. The parking lot on the site is currently used by nearby City Line Restaurant, which is under the same ownership.

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 due to the change in use.
2. Review by the Albany County DOH for food service and other required permits if a restaurant is built.
3. The town should contact the City of Albany Building and Planning Departments to coordinate conditions of an approval. The City has questions about the use of the property as it relates to parking for a commercial property (City Line Restaurant) within their jurisdiction. The city has stated that a dumpster located on a city parcel would require a building permit.
4. The town should consider the existing conditions of the parking demand of the adjacent restaurant that is currently using the site's parking lot since it is under the same ownership. Coordination with the City of Albany building department will be necessary.
5. There should be a shared access agreement including a maintenance agreement referenced in the deeds for all properties using the cross connections to the parking lots.
6. The applicant will need to meet the requirements for a redevelopment project under the NYS Stormwater Management Design Manual.

Advisory Note: The town should consider requesting that the dumpster be moved away from the residential area in the rear of the property. Fencing and/or landscaping should be considered for the rear of the property line adjacent to the residences.

Discussion about current conditions, the adjacent restaurant being in another municipality.

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

Case #10-60502548

Phillips Hardware redevelopment project

6495 SR 158, northwest corner of SR 158 & SR 146, Altamont

Special use permit and area variance from front setback to allow construction of a commercial multi-use building that would include a two story office/retail use (9,600 s.f.) a convenience store (4,800 s.f.) with 4 fuel pump islands and a canopy, a restaurant with a drive-thru (1,800 s.f.) 8 apartment units, a maintenance building (1,800 s.f.) and a 50,000 s.f. indoor sports dome with two fields. The existing buildings on the site will be demolished. Applicant has proposed 248 parking spaces. Access is shown to SR 158 with two curb cuts and spaces. Access is shown to SR 158 with two curb cuts to SR 146. The site has designated ACOE wetlands that will be impacted. The property is located along the Black Creek and portions of the site are located within the floodplain. Applicant states that the water line service will be expanded and a sewer line extension will be made. A stormwater management area is shown on the parcel, but no calculations or design has been done. No traffic analysis has been done yet. There are lands within the agricultural district located on the south side of SR 146 within 500' of the property.

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.
2. The town should require a traffic analysis in order to evaluate the impact of the proposed uses on the intersection of SR 146 and SR 158.
3. The town should consider banking parking due to the fact that the applicant has proposed 50 spaces over the required number.
4. Review by the Albany County Department of Health for food service and other required permits for proposed restaurant.
5. Review by the Albany County DOH for water supply, waste water discharge and other required permits due to the water line expansion and sewer extension.
6. Any wetlands disturbance will require notification to the ACOE for permits under Section 404 of the Clean Water Act.
7. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
8. 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 SWPPP 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.
9. Review by the NYS Office of Parks, Recreation and Historic Preservation for potential impacts on the archeological and historic resources.
10. Submission of an agricultural data statement to the Town as required by Town Law for site plan, special use permit, use variance and subdivision for approval of sites within 500 feet of a farm operation located in an agricultural district.

Discussion about all the work that the applicant still needs to do and show the town for proper project review.

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 #13-160502552

Jeff Marshall and Rosemary Hall

Norwest Corner of Hilton Road and SR 85A, New Scotland

Subdivision of 2.15 acres into two lots for residential use. One lot will be 1.08 acres and will have access to a town road. The second lot will be 1.07 acres and is on the corner of a state and town road. The map has a note for the agricultural district and for land disturbance greater than one acre.

Staff opinion is to modify local approval to include:

1. Prior to building permit approval a review by the Albany County Department of Health for water supply and waste water discharge.

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

Case #13-1608502553

Farlin Corp/James Leonard

129 School Road/CR 208, east side of CR 208, north of the railroad tracks, New Scotland
Special use permit to allow a public garage use to be housed on a site that was previously used as an auto wrecking business. There are existing buildings on the property and an existing driveway to CR 208. The site is served by a well and a septic system.

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to adjacent municipalities of Town of Guilderland and Village of Voorheesville.
2. Any necessary permits or licenses form NSY DMV for a public garage.
3. The Town should ensure the protection of underground water resources (aquifer), located, in part, on this parcel by requiring the storage of vehicles on an impervious surface designed to catch spills from fuel oil and gasoline.

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

Case #13-160502554

Daniel Plummer

542 Rowe Road, east side of Rowe Road, New Scotland
Site plan for construction of a barn building (30'x50') and parking area to allow an existing residential agricultural use on the property to sell products grown on the property. The site is located on a town road.

Staff opinion is to modify local approval to include:

1. The town should ensure that the property owner is aware of the regulations for construction activities that disturb land greater than one acre.
2. Any necessary permits from NYS Agricultural and Markets for the sale of produce.

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 #13-160502555

Wayne Lachappelle

End of West Street, off of Jones Ave, Feura Bush
Subdivision of 25 acres into two lots. One lot will be .8 acres for sale as a residential lot. The second lot will be the remaining acres. Access to the property is from a town road. A septic system will be required for the residential lot. The map has a note for the agricultural district and land disturbance regulations for stormwater impact.

Staff opinion is to modify local approval to include:

1. Prior to building permit approval a review by the Albany County Department of Health for waste water discharge.

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.

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 #12-160502557

John LaRocca

204 CR 358, west side of CR 358, Medusa

Subdivision of 51.75 acres into two lots. Lot one will be 10 acres and Lot #2 will be 41.75 acres. Both lots show proposed homes, driveways, wells and septic systems. Driveways will be to CR 358.

Staff opinion is to modify local approval to include:

1. Prior to building permits being issued for lots #1 and #2 any necessary permits from ACDOH for wells and septic.
2. Review by ACDPW for design of highway access, assessment of road capacity and drainage.

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

Case #12-160502557

Village of Menands-zoning code amendments village wide

Amendments to the Village zoning ordinance to update the regulations that pertain to signs, add regulations for a Planned Development District (PDD) and update the zoning map. Chapter 138 signs and billboards will be updated to account in part for modern technologies. Language for the PDD includes objectives, procedures, required findings and standards. The zone map will be changed to rezone several properties along Broadway in the Village from Light Industry in one area and Business in another area to the Broadway Business Zone to provide for flexibility in redevelopment.

Staff opinion is to modify local approval to include:

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

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

Meeting adjourned at 4:23 p.m.

Albany County Planning Board meets again on Thursday, June 16, 2016 at 3:30 p.m. in the conference room at Albany County Public Works, 449 New Salem Road, Voorheesville, NY 12186.