

**Minutes
Albany County Planning Board
September 15, 2016**

Present:

Dominic Rigosu, Acting Chair, William Anslow, Yomika Bennett, Tim Garufi, Roland Graves, Ben Syden

Albany County Planning:

Leslie Lombardo

Minutes:

Janis Dunham Relyea

Guests:

Scott Siegel

Rob Garrity case #11-16/09/02646

A call to order:

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

Yomika Bennett made a motion to accept the minutes from the August 18, 2016 meeting. The motion was seconded by Roland Graves and unanimously approved by the board.

Ben Syden made a motion to hear cases #11-16/09/02654 and #11-16/09/02646 first. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #11-16090254

Town of Knox – Zoning Ordinance Amendment for solar array installations
Amendments and additions to the town zoning ordinance for the purpose of regulating and governing solar array installations. The changes include definitions of small scale and large scale solar arrays, additions to the Use Regulations section to show which zones small scale solar arrays are allowed as an accessory use, and which zones allow large scale arrays by site plan approval. There is also an addition to the Supplementary Regulations section to include a description of requirements for large scale installations.

Staff opinion is to modify local approval to include:

1. Notification of the amendment to the town zoning ordinance should be sent to all adjacent municipalities.

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

Case #11-160902646

Borrego Commercial Solar Array

373 Old Stage Road, west side of Old Stage Road, south of SR 156, Knox

Site plan for construction of a large scale commercial solar facility (2 MW) on 11 acres in the residential zone. The project will include approximately 8,760 solar panels on 731 module racks, an access road from a town road, an internal gravel roadway, fencing and accessory equipment (inverters). The applicant states the land area for the proposed project will be leased and that the leased area will be subdivided from the larger 80+ acre property. There are designated wetlands on the site, .23 acres of wetlands will be disturbed. There are wooded areas that will be cut, 6 acres total. The site plan shows a gravel roadway and utility connection to the power line to the north to be built outside of the property line on an adjacent parcel, not under the same ownership. That connection to the power line will cross a DEC designated class C stream and includes placement of a culvert for the stream crossing. The application states that 6.1 acres will be disturbed and that stormwater management practices include grass swales along the gravel roadways. The application includes a decommissioning plan.

Staff opinion is to modify local approval to include:

1.Any wetland disturbance will require notification to and review by the NY State Department of Environmental Conservation under Article 24, Freshwater Wetlands.

2.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.

3.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.

4.Review by the New York State Department of Environmental Conservation to determine regulatory jurisdiction pursuant to Article 15 (Protection of Waters) for the proposed stream crossing and culvert.

5.Review by NYS DEC permitting Region 4 office for potential impacts to documented state and federally listed endangered and threatened species (long eared bat) located in this area from the proposed 6 acres of tree cutting for the project.

6.Applicant should provide the town with the required easement information that will be necessary for all off-site connections as part of the project.

7.All easements should be recorded in the deeds of lands being subdivided for purposes of constructing the project.

Advisory Note: It should be noted that the applicant states that stormwater management retention basins will be inspected as part of site inspection protocol, but there are no retention basins shown on the plans.

Dominic Rigosu asked the guest if he wanted to comment. Mr. Garrity said he represents Borrego Solar and gave a brief overview of the project. Dominic Rigosu asked about the panels, what they are made of, where they are made. Roland Graves asked why so many trees had to come down. Bill Anslow asked about the lease agreement. There were questions about the decommissioning plan and what it entailed.

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

GML CASES RECOMMENED FOR DEFER TO LOCAL CONSIDERATION

Ben Syden made a motion to hear 10 of the cases recommended for defer to local consideration as a group, but to leave out **1** case #1-16/9/2624 Omni Development for discussion last. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #1-60902632

Paul Mendel

98 Orlando Avenue, south of Berkshire Blvd, west of SR 85, Albany

Area variance from lot width and combined side yard setback to allow construction of a single family home on a non-conforming lot. The lot width required is 60', the lot size if 44'. The total side setbacks required is 20', 16' is proposed. Access is to a city street.

Case #1-60902633

Montgomery Family Realty, LLC

455 Washington Avenue, northwest corner of Washington and North Lake Street, Albany

Special use permit to allow a law office to occupy the first floor of an existing building in the commercial zone. The building was previously occupied by a restaurant/bar. Access is to city streets.

Case #2-160902638

Gregory Novinsky

42 Whipple Way, Altamont

Area variance from side yard setback and front yard setback to allow a garage addition to a single family home. Access is to a local street.

Case #1-160902639

Cocca Development Ltd.

650 Central Avenue/SR 5, south side of SR 5, east of North Allen Street, Albany

Area variance from setbacks to property line for dumpsters and setbacks to residential buildings for parking lots. The applicant is requesting buildings for parking lots. The applicant is requesting relocating dumpsters for an existing commercial building and rearranging the parking layout in a parking lot.

Case # 10-160902647

JJE Development, LLC

3403 Carmen Road/SR 146, east side of SR 146, south of Jessamine Lane, Guilderland

Site plan for a professional office for a chiropractor & massage therapist in an existing commercial building. The building is the former Greulich's Market that has been divided into two other commercial spaces (bakery and personal training facility) and has a parking lot with 31 spaces. The access to SR 146 was changed to one curb cut with previous planning approvals.

Case #10-160902648

Health Spa Salon

1871 Western Avenue/SR 20, 100' west of Venezia, Avenue, Guilderland

Site plan for a skin care, aromatherapy, foot massage business in an existing building with a parking lot. Eight parking spaces are provided in the lot. There is an existing access to SR 20.

Case #4-160902649

Anthony DeThomasis

456 Russell Road/CR 204, west side of CR 204, across from Midland Avenue, Bethlehem

Area variance from lot width in order to create two, new residential building lots with widths of 77.94' and 72.6' where town code requires 100' in width. Applicant is proposing to subdivide a portion of an existing single residential lot and combine it with an adjacent property and then re-subdivide to create two, new residential building lots that will required a width variance. The two, new lots will have frontage on CR 204. There are other properties in the neighborhood that do not meet the 100' width requirement.

Advisory Note: The County generally advises municipalities to uphold minimum width requirements on county roads; however it is noted that other properties in the surrounding neighborhood of this property do not meet the width requirement.

Case #3-160902651

Robert Mohr Subdivision

162 Sickie Hill Road/CR 13, west & east sides of CR 13, west side of Switz Kill Road, Berne

Subdivision of 113 acres into two lots. Lot 1 will be 60.9 acres, located on the east side of CR 13, with no new development shown. Lot 2 will be remaining acreage on the west side of the road where there is an existing house, barns and driveway to CR 13. The plat includes notes for the agricultural district and stormwater regulations on 1+ acre of disturbance. There is an agricultural data statement on file.

Case #7-160902652

Ted Delucia/Top Dog Enterprises

40 Fullerton Ave., off of Central Avenue, Colonie

Area variances from minimum lot size and front yard setback to allow construction of a single family home on an existing tax lot that is 4,600 s.f. where town code requires 12,000 s.f. The front yard setback required is 30', the proposed house will give 20'. There are similar size properties in the neighborhood. Access is to a town road.

Case #5-160902653

Town of Coeymans-subdivision municipal lands

70 Main Street/SR 144, east side of SR 144, 60' south of Division Street, Colonie

Subdivision of 4.98 acres of municipally owned land into two lots. Lot 1 will be .4 acres and has an existing building and pavement area with access to SR 144. The remaining acreage includes paved driveways, a parking lot, a park area, ball fields, and a riverfront dock on the Hudson. No new development is shown.

Case #1-160902642

Omni Development

30 South Pearl Street, northeast corner of S. Pearl & Beaver Street, Albany

Area variance from the sign regulations to allow a 9'x53' (477 s.f.) illuminated sign to be placed on the top story of a multi story commercial building where code does not allow signage over the second floor level.

Advisory Note: The city zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the commercial zone.

Ben Syden said he did not think the sign should be approved; it is too large and will be illuminated; therefore having a negative visual impact. There was discussion. Ben Syden made a motion to reject staff opinion and disapprove. Roland Graves seconded the motion. Dominic Rigosu and Yomika Bennet recused themselves. The motion did not carry. There was no action taken, due to the lack of a third vote.

GML CASES RECOMMENDED FOR MODIFICATION

Case #1-160902641

Albany Port District Commission-Big Lift Warehouse Project

106 Smith Blvd/103-105 Boat Street within the port of Albany, Albany

Site plan for construction of a 45,000-50,000 s.f. climate controlled warehouse building for storage of electric generator assemblies. The building will be approximately 200'x225' and located within the port adjacent to other industrial buildings. No sewer or water connection is necessary for the use. There is an existing closed storm sewer system on site that will be relocated.

Staff opinion is to modify local approval to include:

1. The city should ensure that the floodplain management zone requirements are met for new construction.
2. The city water department should review the proposed change in location of the stormwater.

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

Case #7-16090202643

Lupe Way Conservation Subdivision

8 Lupe Way, east of Cordell Road, north side of power line, Colonie

A conservation subdivision of 60.93 acres to allow 52 residential lots with open space dedication. The property is made up of three tax parcels, vacant lands, mostly zoned residential, adjoining an existing residential area. Two lots included in the total acreage are zone industrial and are located along Cordell Avenue. Those two lots are not planned for development. The lands include a significant amount of DEC designated wetlands (20.5 acres), steep slopes, a town designated stream, and borders the Niagara Mohawk power line. The property falls within the Pine Bush Commissions study area of lands desired for preservation. Applicant will dedicate 38.4 acres to the town for open space. The residential building lots will be clustered and range in size from 8,000 s.f. to 30,000 s.f. Access will be from two town roads extended from the adjacent residential subdivision. Stormwater management systems will be provided on site. Sewer and water line extensions will be made.

Staff opinion is to modify local approval to include:

1. Review by Albany County DOH for realty subdivision required permits.
2. Any wetland disturbance will require notification to and review by the NYS DEC under Article 24, Freshwater Wetlands.

3. A Notice of Intent filed with the NYS DEC 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.
4. Continued work with the Albany Pine Bush Commission for the transfer of dedicated open space.

There was discussion of the location, the amount of open space being dedicated and who it was going too. A motion to accept staff opinion was made by Ben Syden. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #3-160902644

Walter Chomanczuk

624 Sickie Hill Road/CR 13, west side of CR 13, across from Schreiber Lane, Berne
Subdivision of 30 acres into two lots. Lot #1 is 5.6 acres and has an existing house and driveway to CR 13. Lot #2 is 24 acres with a proposed barn building and an existing field access to CR 13. The map includes notes for the agricultural district and disturbance of 1 acre requirements.

Staff opinion is to modify local approval to include:

1. Before a building permit is approved for the proposed barn on lot #2 a review by the Albany County DPW for design of highway access, assessment of road capacity, and drainage.

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

Case #11-160902645

GGMP LLC, c/o Amedore Homes

1881 Western Avenue/SR 20, north side of SR 20, across from Witte Road, Guilderland
Subdivision of 4.16 acres into two lots to create individual lots for two existing buildings. Lot 1 will be 3.1 acres and has an existing office building. Lot 2 will be 1.06 acres and has an existing bank building. The lots will continue to share access to SR 20 by a curb cut on Lot 1. Lot 2 also has a right turn out only driveway to SR 20. There are also other existing easements for ingress and egress on Lot 1 to property to the north and east. No site changes are proposed.

Staff opinion is to modify local approval to include:

1. All of the existing easements and any maintenance agreements should be recorded in the deeds.

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

Meeting adjourned at 4:00 p.m.

Albany County Planning Board meets again on Thursday, October 20, 2016 at 3:30 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186