

**Albany County Planning Board
Approved Minutes
October 18, 2018**

Present:

Dominic Rigosu, Acting Chair, Yomika Bennett, Tim Garufi, Roland Graves, Lisa Ramundo, David Reilly, Enzo Sofia, Robert Gunther

Albany County Planning:

Michaela Sweeney

Minutes:

Janis Dunham Relyea

Guests:

Thomas Hoey
Andy Brick
Jon Grant
Wendy Holsberger
Keith Reynolds
Nancy Harrigan
Stephen Burke
Evelyn Burke
Trisha Marbigello

A call to order:

Dominic Rigosu called the meeting to order at 3:40 p.m.

Roland Graves made a motion to accept the minutes from the August 2018 meeting. Dominic Rigosu seconded the motion and it was unanimously approved by the board.

Roland Graves made a motion to accept the minutes from the September 2018 meeting. Yomika Bennett seconded the motion and it was unanimously approved by the board.

Roland Graves made a motion to move case #01-101803139 to the front of the agenda. Yomika Bennett seconded the motion and it was unanimously approved by the board.

Case #01-101803139

GSX Ventures

1211 Western Avenue, Albany

Construction of a six-story, 136 unit multifamily dwelling. An existing 12,036 s.f. commercial structure at the site will be demolished.

*ACPB reviewed site plans for this project in 12/2017 and 1/2018.

Staff opinion is to modify local approval to include:

1. While the multi-family residential use is consistent with land uses found along this portion of Western Ave., the density and scale of the proposed use is out of character. The size and

scope of this updated site plan proposal does not significantly address the ACPB's original concerns. The ACPB recommends that the Planning Board request the project applicant to submit revised plans or alternative designs that are more consistent with the character, scale, and density of similar uses in the surrounding area and that minimize potential impacts to adjacent properties.

2. The local fire department should be consulted to review the adequacy of access to the site, building safety, and location of the fire truck pad. Any other comments from the fire department regarding public safety and emergency response needs should be addressed prior to approval.
3. Review and permits by the New York State Department of Transportation for design of highway access, drainage, and assessment of road capacity.
4. Notification of the application should be sent to SUNY Albany due to the site's proximity to the university.
5. On page 19 of the SWPPP, under Erosion and Sediment Control Inspections, the plan states: *"Since there are a limited number of professionals registered as CPESC, the qualified professional will have practical and applied construction experience and possess familiarity with BMPs and erosion and sediment control techniques."* According to Part 4.C of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-0002), the owner or operator shall have a qualified inspector conduct site inspections that is either a Licensed Professional Engineer, a Certified Professional in Erosion and Sediment Control (CPESC), a Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. Someone who is simply proficient in construction experience and possesses familiarity with BMPs and erosion and sediment control techniques is not qualified to perform site inspections per the requirements of the GP-0-15-0002 permit.
6. The Water Quality Volume (WQv) treatment objectives for redevelopment activity must be in accordance with Section 4.2 of the Design Manual according to New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-0002), Part 5.C.2.c.i. The SWPPP does not currently include which treatment objectives are being accounted for.
7. The site plans must call out and illustrate the Green Roof and Blue Roof practices. The only illustration on the Green Roof practice was shown on Drawing Map C4 and A104. The Green Roof accounts for 10.9% of the total roof square footage, and callouts must be provided to show how stormwater is being handled for the other 89.1% of the roof. Runoff rates in the post construction phase must not exceed the pre-construction runoff rates, per GP-0-15-0002 Part 5.C.2.c.i.

Staff Advisories:

1. Encourage the applicant to further reduce lot coverage, increase setbacks, and/ or create larger buffers alongside single family residential uses in order to provide a transition between density changes.
2. Ensure there are measures to reduce parking impacts to adjacent residential streets.

3. Consider designated areas for vehicular drop-off and pick-up to accommodate taxis, ride-sharing services, deliveries (UPS, USPS, FedEx, etc.), garbage pickup, etc. due to the lack of frontage. No vehicular parking and standing should be permitted on Western Ave.
4. Decrease the proposed height and number of stories.

Dominic Rigosu reviewed the Albany County Planning Board's role before guests addressed the board.

Guest Comments:

Andy Brick, Wendy Holsberger, and Jon Grant each addressed the board and provided comments in support of the proposed development. Andy Brick cited GML 239-I, stating the charge of the County Planning Board is to review proposed action for "inter-community and county-wide impacts." He believes the proposed recommendations are beyond the board's jurisdiction. Wendy Holsberger stated that traffic impacts will be minimal to Western Ave., and that review by NYS DOT will not be required because this portion of Western Ave. is maintained by the City of Albany. Jon Grant stated that the project site plans meet the zoning requirements for that area. He believes the project is mischaracterized and is consistent with nearby land uses.

Stephen Burke, Nancy Harrigan, Keith Reynolds, Trisha Marbigello, and Thomas Hoey each addressed the board and provided comments in opposition to the proposed development. Stephen Burke cited concerns for intercommunity impacts such as stormwater runoff, infrastructure capacity, and population density. Nancy Harrigan believes the building as currently proposed is similar to the plans presented twice before and has the same objections that she and her neighbors previously expressed the last two times this project came before the board. She also has concerns for the flashing lights and numerous calls to emergency services. Keith Reynolds stated that the development will be adjacent to his backyard and has concerns for inadequate parking and the large footprint. Trisha Margibello asked if anyone has looked at doing cultural resource survey because this is a historic neighborhood and also asked about existing traffic studies and considerations for environmental impacts. Thomas Hoey of the City Common Council referenced Mr. Brick's statement regarding the project's impacts to other communities. The City of Albany recently had two big fires and the city's fire department received additional support from Guilderland Fire Department. He also expressed concerns for traffic impacts, flooding, and fire safety. Trisha Marbigello addressed the board again and expressed there could be better coordination to address traffic impacts associated with multiple commercial and residential developments along Western Ave.

Jon Grant addressed the board again to clarify that the building will have an incombustible wood frame made of treated lumber which is accepted practice. They are only required to provide 1 parking space per unit because the building is located near the bus line.

Dominic Rigosu opened discussion to the board.

Dominic commented that the trees acting as buffers around the parcel are located on neighboring properties, and if adjacent property owners decided to cut them down they would lose the vegetative buffer. Keith Reynolds addressed the board again to state that adjacent property owners will not grant access from their properties to the site. Mr. Brick and Mr. Grant agreed that this is the case.

Dominic asked about fire department review. Jon Grant replied that the fire department reviewed and signed off on the plan. Dominic asked about whether the fire truck access is compliant with the 2015 International Fire Code of New York State Building Code standards for fire apparatus access roads and cited requirements. Mr. Brick said the designs meet fire and building codes and have been reviewed by the respective city departments. Dominic responded that the plans for the fire apparatus access drive as presented do not appear to be consistent with code.

Robert Gunther, Albany County Stormwater Program Technician, discussed the lack of detailed plans for proposed the green roof and blue roof stormwater practices. Andy Brick and Jon Grant stated that these were included in the most recently submitted plans to the city. Michaela Sweeney confirmed that the referral application materials were received October 10, 2018. The site plans received by the board are dated 9-17-2018. It was unclear to all parties in the room if the site plans submitted were the most recent.

Yomika Bennett stated even though the City of Albany maintains this portion of Western Ave, it will still affect State Route 20 and the staff recommendation for NYSDOT review should still be included.

Dominic Rigosu reviewed the previous decisions and recommendations of the Albany County Planning Board from December 2017 and January 2018, which were both disapproved without prejudice. He stated that no significant changes were made to the site plans with respect to the Board's previous comments, especially with regards the fire safety. While the board does not have concerns with the updated traffic study results, there are still concerns and questions on stormwater management. He stands by the board's original decision to disapprove.

Tim Garufi asked if all materials have been submitted. Michaela Sweeney said we have to act under the assumption that all current plans have been submitted.

Roland Graves stated that the density is too high and agreed that the project should not be approved.

Dominic Rigosu stated the project should be **disapproved** for the following reasons:

1. While the multi-family residential use is consistent with land uses found along this portion of Western Ave., the density and scale of the proposed use is out of character. The size and scope of this updated site plan proposal does not significantly address the ACPB's original concerns. The ACPB recommends that the City of Albany Planning Board request the project applicant to submit revised plans or alternative designs that are more consistent with the character, scale, and density of similar uses in the surrounding area and that minimize potential impacts to adjacent properties.
2. The following aspects of the submitted Stormwater Pollution Prevention Plan (9/17/2018) need to be addressed:
 - a. On page 19 of the SWPPP, under Erosion and Sediment Control Inspections, the plan states: "Since there are a limited number of professionals registered as CPESC, the qualified professional will have practical and applied construction experience and possess familiarity with BMPs and erosion and sediment control techniques." According to Part 4.C of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-0002), the owner or operator shall have a qualified inspector conduct site inspections that is either a Licensed Professional Engineer, a Certified Professional in Erosion and Sediment Control (CPESC), a Registered

Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. Someone who is simply proficient in construction experience and possesses familiarity with BMPs and erosion and sediment control techniques is not qualified to perform site inspections per the requirements of the GP-0-15-0002 permit.

- b. The Water Quality Volume (WQv) treatment objectives for redevelopment activity must be in accordance with Section 4.2 of the Design Manual according to New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-0002), Part 5.C.2.c.i. The SWPPP does not currently include which treatment objectives are being accounted for.
- c. The site plans must call out and illustrate the Green Roof and Blue Roof practices. The only illustration on the Green Roof practice was shown on Drawing Map C4 and A104. The Green Roof accounts for 10.9% of the total roof square footage, and callouts must be provided to show how stormwater is being handled for the other 89.1% of the roof. Runoff rates in the post construction phase must not exceed the pre-construction runoff rates, per GP-0-15-0002 Part 5.C.2.c.i.

He also recommended the following advisories to be included in the Board's decision letter:

1. Encourage the applicant to further reduce lot coverage, increase setbacks, and/ or create larger buffers alongside single family residential uses in order to provide a transition between density changes.
2. Ensure there are measures to reduce parking impacts to adjacent residential streets.
3. Consider designated areas for vehicular drop-off and pick-up to accommodate taxis, ride-sharing services, deliveries (UPS, USPS, FedEx, etc.), garbage pickup, etc. due to the lack of frontage. No vehicular parking and standing should be permitted on State Route 20.
4. Decrease the proposed height and number of stories.
5. The site plans should be updated to conform to all requirements for fire apparatus access roads as required by the 2015 International Fire Code of New York State Building Code Chapter 5 and Appendix D.
 - a. Section 501.3 Construction Documents for proposed fire apparatus access, location of the fire lanes, and security gates across fire apparatus access roads should be shown and fire apparatus access roads should meet the requirements set forth in Section 503:
 - i. Min. unobstructed width of 20 feet.
 - ii. Dead-end apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning fire apparatus.
 - b. Section D105 requires aerial fire apparatus access roads for buildings over 30 feet in height. There should be no overhead utility and power lines located above or between the aerial fire apparatus road and the building. If the applicant is proposing State Route 20 to meet this requirement then they should confirm that the existing utility and power lines are not located as described in D105.4 of the code.

Roland Graves made a motion to disapprove without prejudice for the aforementioned reasons stated by Dominic Rigosu. The motion was seconded by Yomika Bennett and unanimously approved by the board.

GML CASES RECOMMENED FOR DEFER TO LOCAL CONSIDERATION

Yomika Bennett made a motion to hear the 5 cases recommended for defer to local consideration and hear as is. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #02-181003134

Rose Setback Variance

David and Diane Rose

160 Western Avenue, Village of Altamont

Request for a 1 ft. side yard setback variance to construct an attached deck.

Case #07-181003135

Northern Pass PDD/Schermerhorn Development Corporation

1226 Loudon Road/586 Old Loudon Road, Town of Colonie

Amendment of the Northern Pass Planned Development District (PDD) to include three garage buildings which will add a total of 17 parking spaces to the existing site.

*ACPD reviewed plans and amendments for this PDD in 12/09, 5/12 and 6/15.

Advisory Note: The town should determine if construction of the additional parking garages will require changes to the overall PDD stormwater management plans.

Case #04-181003137

Demarse Electric (d/b/a Apex Solar Power on behalf of Matthew VanDerlofske)

207 Old Quarry Rd. Solar Variance

Variance for a small scale ground mounted solar system located in the front yard as an accessory use.

Case #10-181003141

Ryan Cappello/MTSG LLC Can Redemption Center

4449 Western Tpk., Altamont

Special use permit is requested to convert a pre-existing, nonconforming repair shop into a bottle redemption center.

Case #14-181003142

Ravena/RCS School District Sign Variance

15 Mountain Road, Village of Ravena

Area variance to install an 18 s.f. advertisement sign in front of the Village of Ravena municipal building.

The sign will be used by Ravena Coeymans Selkirk Central School District to display public events and notices.

Case #13-181003138, Miller Road 2 Lot Minor Subdivision submitted by Paige Pierce, was removed from the agenda because a completed environmental assessment form was not included with the application, rendering the application incomplete and ineligible for consideration until all required referral application materials are submitted in accordance with New York State General Municipal Law 239-m.

GML 239 CASES RECOMMENDED FOR MODIFICATION

Case #07-181003133

Ted DeLucia

41 Natick Street, Town of Colonie

Area variance to subdivide a 9,000 s.f. lot into two 4,500 s.f. lots, which are not compliant with the 18,000 s.f. lot size, 80 ft. minimum front lot line and 80 ft. minimum width at the front building setback line, and the 40 ft. minimum front yard setback required in the SFR zoning district.

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to the City of Albany, including all required notices pursuant to GML 239-nn.

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

Case #07-181003136

Off-Premise sign local law amendment

Town of Colonie

Local law defining and adding requirements for off-premise signs to the Table of Permitted Signs.

Staff opinion is to modify local approval to include:

1. Notification of the amendment and local law should be sent to all adjacent municipalities.

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

Case #03-181003140

Houlihan/Dollar General Subdivision and Site Plan

Route 443/East Berne, Town of Berne

Proposal to subdivide 2.1 acres out of a 9.1 acre parcel to construct a 9,1000 s.f. retail store on the 2.1 acre lot. The remaining lands will remain with the current land owner and are not part of this project.

*ACPB reviewed plans for this project in 5/2018 and an area variance in 7/2018.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for water supply, waste water discharge, location of wells and septic and other required permits.
2. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented or submission of a Stormwater Pollution Prevention Plan (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.
3. Review and permits by the NYSDOT for design of highway access, drainage and assessment of road capacity.

4. Notification and review by NYSDEC to determine if the parcel includes any wetlands regulated by NYSDEC or the US Army Corps of Engineers.

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

Case #10-181003143

French's Hollow Minor Subdivision

6312 French's Hollow Road, Town of Guilderland

Subdivide a 1.8 acre lot into two residential lots. Lot #1 will be 37,000 s.f. and Lot #2 will be 40,000 s.f.

The existing outbuildings will be demolished. The lots will be serviced with public water and onsite wastewater treatment.

Staff opinion is to modify local approval to include:

1. Submission of an agricultural data statement to the Town as required by Town Law for subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.
2. Review by the Albany County Department of Health for waste water discharge and other required permits.

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

Meeting adjourned at 4:59 p.m.

The next Albany County Planning Board meeting is on Thursday, November 15, 2018 at 3:30 p.m. at the Albany County Department of Public Works 449 New Salem Road, Voorheesville, NY 12186.