

Albany County Planning Board
Minutes
January 17, 2019

Present

Dominic Rigosu, Chair, Roland Graves, Enzo Sofia, Bill Anslow, Tim Garufi, David Reilly

Minutes

Janis Dunham Relyea

Guests

Steve Burke
Thomas Hoey
Steven Sokal
Nancy Harrigan
Glen Casey
Joe Hammond

A call to order

Dominic Rigosu called the meeting to order at 3:38 p.m.

Roland Graves made a motion to approve the December 2018 meeting minutes. Enzo Sofia seconded the motion and it was unanimously approved by the board.

Roland Graves made a motion to move cases 03-190103193 and 01-190103191 to the front of the agenda. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #03-19010139

Phoebe Schimpf and Evan O'Donnell
119 Pinnacle Road, Berne
Area Variance for a proposed lot 1 and new residential home.
Staff opinion is to modify local approval to include:

1. The location of wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the land.
2. Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity, and drainage.

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

Case #01-190103191

1211 Western Avenue
1211 Western Ave,
Albany

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

*ACPB reviewed site plans for this project in 12/2017, 01/2018 & 10/2018.

Staff opinion is to:

Disapprove without prejudice 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. Traffic report notes anticipated peak evening trips is 37. The proposed entrance gate will slow traffic entering the site and will impede traffic patterns along SR-20.

There is no short term parking for vehicular drop-off and pick-up to accommodate taxis, ride-sharing services, deliveries (UPS, USPS, FedEx, etc.), garbage pickup, etc.

If a visitor enters the parking garage and cannot get through the gate is this person expected to back-up onto SR-20?

What happens if there is a car behind them?

No vehicular parking and standing should be permitted on State Route 20 as this is designated "Fire Lane".

The parking garage gate should be eliminated for these reasons.

3. The north side delivery access will require deliver and garbage trucks to back-up and impede traffic on SR-20. The design should show a driveway turnaround to insure all vehicles leaving the site are in the forward facing direction.
4. ACPB does not feel the proposed 150 parking spaces is enough parking. The surrounding business and residential

roads; Tudor, Magazine, Locust, Homestead, Clarendon, etc. will most likely be used as overflow parking.

The project should demonstrate how additional parking spaces can be incorporated onto their site or make arrangements with neighboring sites for parking if future demands exceed the proposed 150 spaces.

5. The following aspect of the submitted Stormwater Pollution Prevention Plan need to be addressed:

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.

Advisory:

The ACPB encourages the City of Albany Planning Board to consider the following recommendations:

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. The design should demonstrate and show a pedestrian detour when the sidewalk is closed due to construction activity.
3. The applicant is seeking zoning code relief to construct a 6-story structure by providing a “Blue Roof”. Current plans for the “Blue Roof” are incomplete. “Blue Roof” design should be complete and have an approved SPEDES Permit by NYS DEC prior of any approvals.
4. Submitted storm water pollution prevention plan appears to have conflicting information:

Item #9: Identify the nearest surface waterbody to which construction site runoff will discharge.

Applicant Patrick Mitchell identified the Hudson River, however the nearest surface waterbody to 1211 Western Ave is actually the Krumkill Creek.

#10: Has the surface waterbody in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-002?

Applicant Patrick Mitchell answered NO to this question. This is incorrect, the Krumkill, Upper and Tribs (1311-0004) have been identified as an Impaired Segment by the NYSDEC in 2007, under the general classification of “Minor Tribs to West of Hudson.” The watershed in which the proposed project is located is in fact located in a 303(d) segment. The sources of pollutants are known as Urban/Storm Runoff, suspected as Combined Sewer Overflow and possibly Industrial in nature.

5. Referencing to the letter sent to Bill Simcoe, Deputy Commissioner of Water and Water Supply that was included in the application:

“The applicant will mitigate the 4x (peak rate) by installing a holding tank and pump system that would allow a consistent flow rate with no peak. This equates to 5.26 gpm to be mitigated through the reduction of infiltration and inflow. The applicant is researching a further reduction by re-cycling the “gray” water discharge to be used to flush toilets.”

Stating that the “applicant is researching a further reduction”

To maintain compliance of DEC requirements of GPM discharges suggests that the applicant does not have all aspects of the project completed.

6. As discussed in the Albany County Planning Board meeting on October 18, 2018, the applicant had not submitted site plans illustrating the design of the Blue Roof system. While the hydrological analysis was submitted utilizing hydrocad, no designs of the Blue Roof system were submitted. This is also the case in the January 2019 application- no Blue Roof designs or site plans were included.

Being that the Blue/Green Roof (still unsure of what application the applicant intends to use) is a contributory factor to Zoning Code Relief that this applicant is seeking to apply to the MU-CU Zoning District within the City of Albany, a site plan of the green roof/blue roof construction is recommended to aid in the decision of the ACPB, and should be required to aid in the decision of the City of Albany Department of Planning and Development.

7. 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 501.3.1.1 requires the “Fire Apparatus access road shall comply with the requirements of Chapter 5 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building...” The Fire Code Official is authorized to increase the dimension of 150 feet when certain conditions are met. Current site plan does not comply. Any approved increases by Fire Code Official should be documented and a copy of the document should be sent to the ACPB for their file.

Guests addressed the board.

Tom Hoey addressed the board, Mr. Hoey lives at 19 Vine St. and is a Common Council Representative for Ward 15, also where the proposed project location is. He thanked the board for their comments. Mr. Ward said that the developer had gotten a tentative approval from the Albany Fire Department that would allow the project to go thru. The developer has hired a firm to help them get around city codes and argue this is a residential neighborhood and they only need one area of access, Western Avenue. Western Avenue is problematic due to power lines,

telephone poles, phone, fiber-optic lines and 3 transformers. The developer claims they will bury the power lines. I looked on the city website there is no plan for burying the lines. Fighting a fire on Western Ave could be disastrous, fire trucks in the flow of traffic with no access road to the rear of the building. The consulting firm said all that is needed is an access door in the rear of the building. That does not seem safe. The neighbors are concerned this project will be approved at the next city meeting on Tuesday, 1/22/19. The city fire department has since rescinded the approval. GSX (the developer) has a meeting with the Albany Fire Department on Friday, 1/18/19 to appeal that decision. We concerns about the sewer connection. I also would like to note the City Planning Board has not taken minutes in the last 5 years.

Dominic Rigosu reinforced the fire code, the furthest access point to the building must be 150 feet from the access, meaning the center of the rear of the building must be no more than 150 feet from Western Avenue. That is why we put in an advisory, if the AFD is going to over-rule the fire code, they have to put that in writing.

It is not necessary to have two access roads because there are less than 200 units, however the building still must be within 150 feet for fire access unless the fire department agrees to something less, the fire department can change it if the department feels there is enough prevention like sprinklers in the building.

Steve Burke addressed the board, he thanked the board for listening to the residents. He said the Developer is using a blue roof to get an extra story, however there is no blue roof in the plan. Dominic Rigosu said, that the board has addressed that in our comments.

Mr. Burke also said 200 rainwater chambers have been added to the plan, does that go into the Aquifer?

Rob Gunther responded with, yes.

Mr. Burke also stated according to the technical report they will pump water out and when and where are they pumping to, they said the public sewer.

He asked if when and how the DEC and DOH will approve this?

Rob Gunther explained the developer will have to apply for a SPDES permit for Stormwater discharge and this is required by DEC.

Nancy Harrigan addressed the board and reminded us there is a center for disability services across the street and they get quite a few emergency calls.

Steve Sobal addressed the board, he stated that since he has been there for the past 16 years the City has approved a development with a berm to block it but it shifted the ground water. National Grid has had issues with the gas line in our neighborhood as well.

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

GML 239 CASES RECOMMENDED TO DEFER TO LOCAL CONSIDERATION

Roland Graves made a motion to hear the 8 cases recommended for defer to local consideration and approve as is. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #07-190103183

Jeffrey Rockmore

15 Old Loudon Road, Town of Colonie

Existing 5500 s.f. building currently used as a real estate office and utilized two existing curb cuts. Proposal is to modify the site in order to add parking, code and ADA compliant sidewalks and building façade upgrades with the intentions of utilizing the building as a medical plastic surgery office. No changes to ingress/egress points are proposed.

Staff opinion is to defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #07-190103184

Exit 5 Auto, Victor Caponera

625 Watervliet Shaker Road, Town of Colonie

1,600 s.f. addition to Auto 5 for a motor vehicle repair detailing shop.

Staff opinion is to defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory:

1. In the event the oil water separator is not moved to another location measures need to be taken to ensure the oil/water is disposed of in a NYSDEC approved manner.
2. In the event car washing will take place in the addition the effluent wash water must be filtered by OWS before discharging into sanitary sewer.

Case #07-190103185

Copart Junkyard/Sales

4249 Albany Street & 1916 Central Avenue, Town of Colonie

Expansion of an existing junk yard

Staff opinion is to defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #10-190103186

Infamous Graphics/Hamilton Square

2080 Western Avenue, Guilderland

Variance request to permit the replacement of an existing sign.

Staff opinion is to defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory:

The town should consider the precedent setting nature of allowing changes to the existing sign regulations.

Case #04-190103188

Delmar Animal Hospital
910 Delaware Avenue, Town of Bethlehem
Site plan review to install roof mounted solar panels (14.7 k.w) and ground mounted system, previously reviewed in December 2018 the applicant has added a ground mounted system.

Staff opinion is to defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

*ACPB reviewed this case in December 2018.

Case #02-190103189

Enterprise Consulting Solutions, LLC & Cellco Partnership
23 Agawam Lane, Altamont
Construction of a 120' telecommunication tower and related equipment on a property leased from the Village of Altamont.

Staff opinion is to defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #13-190103190

Lands of Knox-Brian Knox
135 Font Grove Road, Town of New Scotland
The applicant proposes to subdivide the subject property into two (2) lots. Lot #A1 would contain the existing residence on approximately .70 acres. Lot #2 would be comprised of the remaining 4.21 acres. The existing house is serviced by municipal water and a septic system.

Staff opinion: Defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #03-190103194

Helderberg Christian School
96 Main Street, Town of Berne
Special use permit renewal for a Christian school grades K-12.

Staff opinion is to defer to local consideration. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

*Reviewed by ACPB reviewed July 2010 and May 2012

GML 239 CASES RECOMMENED FOR MODIFICATION

Case #07-190103182

Stewart's Shops

406 & 410 Albany Shaker Road, Town of Colonie

Replace an existing mini-mart and fueling facility with a new 3,336 s.f. mini-mart and six (6) pump (3 gas pump islands) fueling facility. Provide 33 parking spaces.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Public Works for highway access, drainage and assessment of road capacity.
2. Review by NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
3. 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 of 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.

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

Case #04- 04-190103187

Glenmont Self Storage

564, 572 & 576 Route 9W, Town of Bethlehem

Combine 3 lots (adjacent to current self-storage facility) into 1 lot and construct 4 buildings from 9,300 sf to 15,025 sf. Current residential structure to remain. Seven parking spaces.

Staff opinion is to modify local approval to include:

1. Review by NYSDOT for design of highway access, drainage and assessment of road capacity.
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 of 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.

Advisory: Because of the proximity of State Regulated Freshwater Wetlands (Wetland ID: D4, Class 2), the majority of the proposed project falls within the State Regulated Wetland Check

Zone. In the event that work occurs in the State Regulated wetland, Environmental Conservation Laws are broken and penalties may occur.

*ACPB Reviewed in August 2017 and May 2018

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

Case #07-190103193

Pepsi Beverage Company Site Work/Loading Dock

401 Old Niskayuna Road

Minor site changes involving reorganization of parking, driveway isles, curbing and loading dock.

Staff opinion is to modify local approval to include:

1. Stormwater Pollution Prevention Plan (SWPPP) and Multi-Sector General Permit and Notice of Intent (MSGP NOI) requires to be modified with Department of Environmental Conservation (DEC) to accurately reflect all proposed work.

Advisory:

1. The piping discharge from the loading area should be evaluated to confirm:
 - a. The applicant should identify the actual pollutants that could enter the sump (there are Stormwater discharges at beverage facilities that are prohibited by the MSGB and the facility should confirm that none of those potential discharges are present).
 - b. The pipe that actually discharges to the Stormwater pond and is not connected to sanitary sewers.
2. Confirm the discharge location of the sanitary sewer from main connection with DEC.

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

Meeting adjourned at 4:30 p.m.

The Albany County Planning Board will meet again on Tuesday, February 26, 2019 at Albany County Department of Public Works at 449 New Salem Road, Voorheesville, NY 12186.

