

**Albany County Planning Board  
February 25, 2019**

**Present:**

Dominic Rigosu, Chair, Roland Graves, Enzo Sofia, Yomika Bennett, Bill Anslow, Tim Garufi, Dave Reilly, Rob Gunther, Jim Mearkle

**Minutes:**

Janis Dunham Relyea

**Guests:**

John Reagan  
George McHugh  
Aaron Kelsey  
Michael Gately  
Tom Shepardson  
Jim Soos  
Roger Keating  
Brett Steenburgh  
Patrick Zloger  
Brigette McAuliffe  
Tom Wolfe  
Bill Pasquini  
Robert Pierce  
Joe Hammond  
Beverly Bargeguez  
Michael O'Brien  
Susan Lawilland  
Zachary Simpson

**A call to order:**

Dominic Rigosu called the meeting to order at 3:35 p.m.

Roland Graves made a motion to approve the January 2019 meeting minutes. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Roland Graves made a motion to move Case #10-190203221 to the front of the agenda. Yomika Bennett seconded the motion and was unanimously approved by the board.

**Case #10-190203221**

Rapp Road Development, LLC  
Rapp Road, opposite of Crossgates Mall, Guilderland  
Subdivision/Site Plan Review for 222 units across five (5) buildings on a 19.68 acre site.

Tom Shepardson an attorney representing Rapp Road Development, LLC presented an over view of the project discussing the size, traffic flow, community impacts. Where traffic will come from. 222 dwelling units, zoning compliant 2- five story buildings along Rapp Road 3-two story buildings along the back of the property. Several parking options. This is in a transit oriented development district. Proposing a sidewalk all the way to Western Avenue, bike crossing, pedestrian crossing. Have met with neighbors, Westmere Terrace, Rapp Road Historic District, Pine Bush

Westmere Terrace neighbors are concerned about aesthetics, we plan to landscape enhance current landscaping.

To the North 200 foot buffer area to buffer Rapp Road area to the North and buffer the Karner butterfly area, met with Pine Bush our project will encourage the butterflies to migrate to main area of the preserve.

Wild life consultant, traffic study done by Maser Consulting, they determined project will have low impact on the traffic, had archeologist look at the site.

Stormwater will be managed on site.

Bill Anslow asked if there is a SWPPP. Mr. Shepardson said, yes we have a SWPPP on file with Town of Guilderland.

Dominic said we did not receive the traffic study.

Mr. Shepardson said the report showed the level of service as a's thru c's.

Beverly Bardeguez from the Rapp Road Historical Association addressed the board. She is very concerned about traffic, the road is already used as a thru road, it's a small country road.

I have a problem with 2 - five story building not with condos.

It will affect the community, she has shared this information with Rapp Road

Traffic is already horrendous. There is somewhere else they can put these buildings because they are right at the mouth of our road. Will effect Gipp Road and Pine lane.

Dom asked if she lives on Rapp Road, she said yes I live on Rapp Road and we can't afford more traffic we are currently working with the City of Albany to try to solve the traffic problems.

Michael O'Brien 12<sup>th</sup> Ward Albany City Council-this was derived from a farm road, the Rapp Road area was created over 100 years ago the surrounding roads were all created from old farm road.

This project will effect Rapp Road, Pine Road, Springsteen Road, Frontage Street no sidewalks, no street lights and lot's of pedestrians. I would like to see a traffic report I can't believe any competent report could say that there is no impact. Rapp Road in the city of Albany is much different than Rapp Road in Guilderland. I agree with everything that Beverly said, these road can't even handle the traffic it has now.

Zach Simpson lives in Ward 12, Executive Committee member of Neighborhood Association very familiar with this issue this project would create more of a traffic problem, I agree with everything that Beverly said Morning noon and night traffic is heavy

I think the board needs to take a good look at this, the impact is not just to Guilderland but also to Albany.

Tom 60 % of traffic will head south 40% north

Only 20 % will use Rapp Road, during peak hours approximately 20 cars maximum

Parking spaces, 1.8 parking space (405)

Parallel parking on Rapp Road?

Looking at bus stop and parallel parking will act as an additional calming measure for traffic.

Jim Mearkle says on street parking only has a calming effect if cars are parked there.

Board discussion.

Looking at this my first comment is traffic concerns, not only the intersections pointed out, didn't mention Western Avenue or the Northway into the ring road. 222 units 405 parking spaces, what does that do to the intersection, I can't see a development this size without remediation. I see a development that can work here, but this is a lot.

Bill Anslow doesn't see how we can review this without the traffic study or the Stormwater plan. The Board does not have enough information to vote on this.

The board would like to see this again in March.

Yomika Bennett made a motion to table this case until the March meeting. Roland Graves seconded the motion and it was unanimously approved by the board.

Roland Graves made a motion to move Case #05-190203194 to the front of the agenda. The motion was seconded by Yomika Bennett and unanimously approved by the board.

#### **Case #05-190203194**

Town of Coeymans Local Law

Town-Wide

Local Law 1 of 2019 Clean Air-The Town Board of the Town of Coeymans is desirous to adopt Local Law 1 of 2019 to be known as the Clean Air Law.

Staff opinion is to modify local approval to include:

1. Notification of the local law should be sent to the adjacent towns of Bethlehem, Westerlo, New Baltimore and Coxsackie.
2. Notification should be sent to NYS Department of Transportation, NYS Department of Environmental Conservation, CSX, Army Corps of Engineers, The US Coast Guard, NYS Office of General Services and NYS Department of State.

LaFarge has concerns about the law, once it is in effect, Lafarge will be non-compliant

Dominic asked what is Lafarge currently burning?

Lafarge is using coal and natural gas.

Dominic-so you Lafarge want to broaden the sources and add tires?

LaFarge already has a permit to burn tires, they just haven't done so yet.

LaFarge invested in modernizing the plant to decrease emissions, some speculation that some out of state waste would be transported here under a waste burning permit, Lafarge has no plans to do that, what was in the modernization project was something called TDF Tire Derived Fuel, it is an alternative fuel process. It reduces energy costs and a controlled application. NYSDEC and EPA say it is legal to do so, there is a permitting and vetting process. There is some people out there who don't want this to happen and this is where the waste law started.

What is the impact if it is approved. Day one we are out of compliance because the emission controls that are mandated don't exist, this plant cost 5, million dollars, it is the cleanest cement plant in the world.

John Cashin the code enforcement officer from Coeymans was asked how will this be enforced. And he said, he does not know.

Went through a 4 year permitting process just to get the permits. In order for Lafarge to even use TDF, there would be an added expense.

Dominic asked if there are any other facilities in NY State that burns tires.

Yes, there is a cement plant in Glens Falls that just got the permit to use TDF.

\*Please note the men who spoke from Lafarge did not sign in or say their names before speaking.

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

Yomika Bennett made a motion to move Case #05-190203199 to the front of the agenda. Roland Graves seconded the motion and it was unanimously approved by the board.

#### **Case #05-190203199**

Carver Realty – New Yanni’s Restaurant  
16-20 Marina Drive, Coeymans

Site Plan Review and Area Variance – Plans to build a new 12,600 s.f. restaurant. A variance to reduce the number of parking spots from the calculated 126 spots to 75 spots.

Staff opinion is to modify local approval to include:

1. A notice of intent filed with 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.
2. All necessary license and permits from NYS Liquor Authority for the restaurant.
3. NYSDOH for necessary food service and other required permits.

#### **Advisory:**

1. This is a special flood hazard area, Zone AE hundred year flood plain, regulatory flood plain.
2. Due to the commercial nature (marina and restaurant) and close proximity to a 303 (d) impaired waterway a SWPPP should be in place and these additional impervious areas should be accounted for. DEC contact for the area is Angelka Stewart.

Yomika Bennett asked about the reduction in parking.

George McHugh replied that the square footage of the restaurant included the decks which are not in use all of the time, so a reduction is appropriate and there is a place for over flow parking.

Bill Anslow asked what will happen with the current restaurant.

Mr. McHugh replied, it may be used for storage eventually, but the reason for the new restaurant is that the old one was not winterized, and in order to winterize the current building it would cost as much to build a new one. Also, every time there has been a flood it has never gone 2 feet over Yanni’s floor, but the new floor will allow for 4 feet.

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

Roland Graves made a motion to move case #11-190203203 to the front of the agenda. Yomika Bennett seconded the motion and it was unanimously approved by the board.

#### **Case #11-190203203**

Town of Knox

11 Parcels Surrounding SR 156 and SR 157, Knox

April 2018 a rezone application was submitted to rezone 16 privately owned tax parcels (approximately 190.59 acres) currently zoned as Residential (92.88 acres) and Agricultural (97.71 acres) to a business district. Which permitted uses such as shopping centers, motels laundry facilities, fuel stations, manufacturing and other similar intensive uses. After considering public comments received at multiple hearings on the Business District Rezoning because it determine that certain intensive uses permitted under a business district use (e.g. laundry facilities, fuel stations, manufacturing or shopping centers) would be inappropriate for the area. The new application has reduced the zone by 58% (110.87 acres).

Staff opinion is to disapprove without prejudice.

**Advisory:** The Albany County Planning Board disapproves the proposed rezoning without prejudice for the following reasons:

1. Incompatibility with surrounding land uses and community character.
2. Potential impacts to traffic to county and state roads.
3. Inadequate infrastructure, and lack of plans for provision for the infrastructure.
4. Potential environmental impacts and water quality concerns.
5. Inconsistency with the Town's Comprehensive Plan.

The Albany County Planning Board advises the Town of Knox to:

1. Update the Town's comprehensive plan before rezoning or amending the zoning code to ensure that the proposed land use and development regulations are consistent with community goals.
2. Consider the feasibility for the provision of necessary public infrastructure and services should a business or commercial district be proposed.
3. Contact the NYS Department of Agriculture and Markets in advance of enacting the rezoning to assess any restrictions to farming or farm operations in an agricultural district. The Department of Agriculture and Markets will provide an informal, non-binding response to such inquiries. For more information, please visit: [https://www.dos.ny.gov/lg/publications/Local Laws and Agricultural Districts.pdf](https://www.dos.ny.gov/lg/publications/Local_Laws_and_Agricultural_Districts.pdf)

Bob Price, Town Knox Planning Board addressed the board. Stated that he created the multi use recreational district, created it because there was a restaurant and an auction facility across the street from one another, none of these situations apply to this area. We have lots of documentation about the terrible dirt mud and a whole bunch of other things about the land in that particular area. The documentation discusses sink holes, manure management. There was a hydro-geologic study on an aquifer in the town of Knox, taken with the assistance of the Knox Conservation Advisory Council. We have a lot of documentation and Bridgette will talk more about the inappropriateness of trying to create an MRD on this parcel.

Tom Wolfe, Town of Knox Planning addressed the board. The issue with the cars and sink holes, nothing can be built or developed without review by ACDOH, currently in what's called a carse watershed, there are 8 residents in that area.

It will be reviewed. The land is sensitive however with proper mitigation measures applied it shouldn't be a problem.

Two sink holes were tested with blue dye and did 2 springs. Not sure why manure management is an issue there is no active animal agriculture going in, there are currently people who own horses. It's really not an issue. A large part of our town is carse. The carse is very sensitive, mitigating measures will be done in any development including well and septic.

Bridgette McAuliffe addressed the board. In the last 8 or 9 months the supervisor withdrew his request and started planning the new MRD. The town planning board is doing a re-evaluation to determine what an acceptable business is and to broaden that at the same time we are talking about making this an MRD and not a business but also potentially loosening what is allowed in an MRD. She is asking the ACPB dismiss with prejudice this time. None of the issues we had before have been addressed. There was no planning for

infrastructure, no comprehensive changes it is just a shift change to get us off course and see what they can get away with. There is no transparency with what exactly they want to do. By looking at the map it is spot zoning and all of the people removed are around the intersection of 156 and 157 so this area and longer is included in the rezone. Just on the spot zoning this should be a no go, if they want to do a business district at that larger area up ahead that is great, go for it. I also ask that they hire an engineer that has experience with water, sewer and topography. I asked they hire an engineer with experience they are using a friend who is doing the work pro-bono so there is no research on record. For SKr guidance there was nothing official and no paid work

Dominic says that a letter we received from the engineer that reviewed the SEQR .review, it looks like an engineer was retained, who reviewed the SEQR.  
Mr. Price asked for a copy of the letter

Brigitte referred to restaurant property that is actually a residence that got a special use permit that is now expired. I feel this is the crux of what is driving the rezone, they won't say what they want to put there. In the 20 years that I have lived here it has been opened for about 4. I am asking that you keep your hats focused. All they are doing is effectively remove the majority of home owners who are against this.

Tom Wolfe is not aware of any formal or informal effort to loosen the business uses in MRD's, the planning board has not discussed that. The issue of infrastructure, public water and sewer not happening, we have about 2500 residents. There are multiple layers of review.

Bridgette referred to a commercial property and a home that share a sewer line and leads me to believe the review process.  
Tom Wolfe is not familiar with the parcel she is talking about.

Dominic read the previous disapproval letter and said the Town hired Whiteman Osterman and Hanna, they response to the Board comments they did not reply to one of our comments.

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

Yomika Bennett made a motion to move Case #10-190203220 to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #10-190203220**

Broadway Auto Clinic

2115 & 2123 Western Avenue

Special Use Permit/Variance request to permit the construction of a 7,118 s.f. credit union in a GB zone.

Variance requested for setback to a residential zone, portion of parking spaces to be in a front setback and the drive aisle of the credit union located within a required buffer to a residential zone.

Staff opinion is to modify local approval to include:

1. 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-00-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

**Advisory Note:** A landscape buffer for SR 20 is recommended to conceal vacuuming stations.

Brett Steenburgh addressed the board and gave an over view of the project.

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

## **GML 239 CASES RECOMMENED TO DEFER TO LOCAL CONSIDERATION**

Yomika Bennett made a motion to hear the **13** 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 #07-190203295**

Matthew Abrams-Global Acquisitions  
1307 Loudon Road

Special Use Permit-Installation of a 100 foot monopole to support wireless antennas for Sprint and future cell locations.

### **Case #07-190203196**

Cellco/DBA Verizon Wireless  
Albany County ROW near 74 Osborne Road

Special Use Permit-Installation of a single small cell antenna mounted on an existing utility pole.

### **Case #07-190203197**

Timothy Jurewica, II  
6 Old pine Ave

Proposed single family residence requiring setbacks, allowable lot size and front line acceptance.

### **Case #07-190203200**

Cellco/DBA Verizon Wireless  
11 Elks Lane

Special Use Permit-Application for a wireless telecommunication 70 foot stealth monopole tower wireless communication facility at 11 AKA 17 Elks Lane with (12) panel antennas mounted at the top of the tower and a 11'5" x 16' equipment shelter, a GPS antenna unit and all related ground equipment and utility services is approved for a wireless telecommunications special use permit (WTSUP) to the Zoning Board of Appeals as required under Town of Colonie Land Use Law 189-5a; upon the request for a wireless telecommunications special use permit in accordance with the provisions of the Code of the Town of Colonie, Chapter 189, so as to permit such construction and use and a SEQR determination for such permit.

### **Case #01-190203204**

College of St Rose  
Demolition Review – 1020 Madison Ave

### **Case #05-190203207**

Deborah Montanelli – 3 Lot Subdivision  
30 Payne Road, Ravena  
3-Lot Minor Subdivision, Lot #1-6.5 acres, Lot #2-3.7 acres, Lot #3-4.5 acres

### **Case #12-190203211**

U-Haul of Eastern NY  
125 Broadway, Menands

Use Variance-The applicant is planning to adaptively re-use and re-purpose the existing 300,000 s.f. dilapidated, former press building located within the Broadway Business District in the Village of Menands. The existing building will be rehabilitated to allow for indoor storage, vehicle storage and retail use by the applicant.

### **Case #01-190203212**

Capital Repertory Theatre-Retrofit Project  
251 N. Pearl Street, Albany  
Conditional use permit; wall display application

**Case #01-190203214**

Heather Newman-Redburn Development  
39 Columbia Street, Albany  
Site Plan Review-Conversion of a 60,000 square feet of office space into 46 dwelling units.

**Case #01-190203215**

Paul Bonaquisti Brothers Construction  
240 & 243 Second Street, Albany  
Conditional use permit – Construction of two 2,500 s.f. townhouse dwellings.

**Case #07-190203217**

Robert Wasson  
425 Loudon Road, Town of Colonie  
Area Variance -24'x34' two story detached garage with an 8' rear yard setback, that is not compliant with the 25' minimum setback.

**Case #10-190203223**

Berta Bates Trust  
525 Meadowdale Road, Town of Guilderland  
Subdivision Review-2 lot subdivision of 118 acres.

**Case #13-190203224**

Jennie Meringolo-Personal Farming  
107 Normanskill Road, Voorheesville  
Special use permit to keep chickens for eggs.

**Case #13-190203225**

Frank Desorbo-Personal Farming  
156 Maple Road, Voorheesville  
Special use permit for personal farming.

**GML 239 CASES RECOMMENDED FOR MODIFICATION**

**Case #07-190203198**

Office 2 Family Redevelopment  
36 Vly Road  
Site Plan Review – Convert an existing 900 s.f. one family home into a small business office and demolish the existing detached garage and build a new one on the far rear portion of the property. A 400 s.f. office is proposed to attached to the rear duplex with garages. Zoning approval has been and existing access will be brought into better conformance with better turn radius at either side.

Staff opinion is to modify local approval to include:

1. Ensure all proper erosion controls are in place during construction.
2. Review by DPW for highway access.
3. Local fire department should review access to the site.

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

**Case #18-190203201**

Jacob Irwin



SR 32 @ Mile Marker 1046  
Site Plan Review-Construction of a garage for commercial purposes.

Upon reviewing the file Enzo Sofia noticed that the site drawings were not prepared by a licensed surveyor or engineer. At this time Roland Graves made a motion to disapprove without prejudice. The motion was seconded by Enzo Sofia and unanimously approved by the board.

**Case #07-190203202**

Peter Luizzi & Brother's Contracting, Inc.  
950 Fifth Street

Subdivide the current 82 acre parcel with 24 acre. Construct a new office building (10,000 s.f.), two warehouse buildings (10,000 s.f.), a maintenance building (15,000 s.f.), and storage yard area of 17 acres. Provide 90 parking spaces, inclusive of 4 handicap spaces. Expect 60 spaces for employees, remainder for customers and guests.

Staff opinion is to modify local approval to include:

1. Site access should be reviewed by NYSDOT.
2. A Notice of Intent filed with 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. NYSDEC construction activity permit is required.
4. Town grading permits are required.

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

**Case #07-190203205**

Shane Cahill  
540 Loudon Road

Use Variance-Proposed change in use of a single family dwelling to a real estate office in an SFR zoning district.

Staff opinion is to modify local approval to include:

1. Any changes to the driveway will require review by NYSDOT for permits and access.

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

**Case #04-190203206**

South Albany Airport-Ted Zabinski  
6 Old School Road, Selkirk

Construction of an aircraft storage hangar and associated paved taxi-lanes for access. Proposed is current use and construction will be similar in style to existing building on site.

Staff opinion is to modify local approval to include:

1. 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 requirements included in the NYSDEC SPDES General Permit for Stormwater

Discharges (GB-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

**Advisory:** Ensure that all new impervious area is accounted for in the SWPPP.

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

**Case #04-190203208**

Bill Gray IUOE Local 106

27 Hannay Lane, Glenmont

324 s.f. sign (billboard) for a training facility. Abutts Albany County Rail Trail, NYS Thruway and Borders the City of Albany.

Staff opinion is to modify local approval to include:

1. Review by the NYS Thruway Authority and NYSDOT.

**Advisory:** The Town should consider the precedent setting nature of allowing significant area variances to the sign code in the commercial zone.

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

**Case #04-190203209**

Delmar Family Medicine-Sprint Upgrade

1499 New Scotland Road, Slingerlands

Amendment to a previous site plan – Façade change – Replace (3) existing windows with louvers in a former church steeple with (3) larger windows with louvers for Sprint upgrade antenna equipment will match the existing white color.

Staff opinion is to modify local approval to include:

1. The board consulted with the NYS Parks, Recreation & Historic Preservation office and it is their opinion the windows/louvers retain their existing size and configuration and that any window surrounds should be retained. If any of the windows are leaded or otherwise decorative, they should be retained as well.

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

**Case #04-190203210**

McDonald's

376 Feura Bush Road, Glenmont

Site Plan Amendment-Interior/Exterior renovations to an existing 2932 s.f. building, no change to building size.

Minor grading and restriping to provide ADA compliant parking spaces, travel paths and ramps. New digital menu boards to replace existing one.

Staff opinion is to modify local approval to include:

1. Ensure all proper erosion and sediment controls are in place while doing outdoor renovations/saw cutting work.

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

**Case #01-190203213**

Madison Park Management-The Reserve at Park South 2  
86 Dana Avenue, Albany

Site plan Review, Demolition Review-Construction of a four (4) story, 45,200 s.f. multi family dwelling with 36 dwelling units, three existing structures at the site totaling 8,640 s.f. will be demolished.

Staff opinion is to modify local approval to include:

1. 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 requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GB-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

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

**Case #01-190203216**

Hershberg & Hershberg

543 North Pearl Street, Albany

Site Plan Review, Demolition Review-Construction of a (3) story 21,925 s.f. multi family dwelling with 20 units. An existing 21,825 s.f. at the site will be demolished.

Staff opinion is to modify local approval to include:

1. Ensure adequate erosion and sediment control measures are in place and properly maintained during all aspects of demolition construction.

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

**Case #07-190203218**

Benjamin Avery, Black Rock Construction

1126 Old Loudon Road, Town of Colonie

Site Plan Review-Subdivision of land to create 24 lots. Of the subdivided lots, 21 will be residential building lots while the remaining acreage will be for Stormwater, utilities and secondary fire access, all of which will be dedicated to the Town of Colonie. One 30 ft. subdivision road will be constructed off Nottingham way and one 30 ft. subdivision road will intersect the Wetherby Court Extension and terminate in a temporary cul-d-sac at the property line of the lands of Reo and Anderson.

Staff opinion is to modify local approval to include:

1. 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 requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GB-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.
2. The local fire department would review access to the subdivision.

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

**Case #10-190203219**

Nick Riggione-Inferno Pizza

1827 Western Avenue, Guilderland

Special Use Permit-Amendment to a previously granted special use permit to allow for additional parking spaces.  
\*ACPB reviewed in August 2016.

Staff opinion is to modify local approval to include:

1. NYSDOT should review for access to site.

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

**Case #10-190203223**

BCREI NY

6 & 10 Mercycare Lane, Guilderland

Special Use Permit/Variance to permit the construction of a 65 unit Residential Facility Independent Living development. A variance is requested to develop a portion beyond the angle of repose.

Staff opinion is to modify local approval to include:

1. Construction activity permit NO1 required, SWPPP of facility required due to wetland disturbance.
2. Notification to Army Corps of Engineers, .095 acres are USACOE wetlands.
3. Any disturbance of wetlands will require notification and review by ACOE.
4. Any disturbance of wetlands will require a Nationwide Permit.

Yomika Bennett made a motion to accept staff opinion. The motion was seconded by Enzo Sofia and approved by the board. Dominic Riguso recused himself from voting.

Meeting Adjourned at 6:02 p.m.

The Albany County Planning Board will meet again on Thursday, March 21, 2019 at 3:30 pm at the Cornell Cooperative Extension, 24 Martin Road, Voorheesville, NY 12186.

