

**Albany County Planning Board  
April 18, 2019  
Minutes**

**Present:**

Dominic Rigosu, Chair, Brian Crawford, Roland Graves, Enzo Sofia, Bill Anslow, David Reilly

**Albany County Planning:**

Laura Travison, Senior Planner

**Minutes:**

Janis Dunham Relyea, Clerk

**Guests:**

Dan Hershberg  
Jim Soos  
John Collins  
Margaret Stein  
Steven Davis  
Karen White  
Robyn Reynolds  
Juanita Nabors  
Janice Woodard  
Beverly Bardequez  
Cheryl Whilby  
Don Csaposs  
Stephen Cope  
Mike Gately  
Bernard Mereloski  
Elizabeth Floyd Mair  
Stephanie Wooderd  
Zachary Simpson  
Grace Nichols  
Margaret Callahan  
Teri Conroy  
Neil Gifford  
Peyton Bowler  
Adrienne Buxton  
Michael O'Brien

**A call to order:**

Dominic Rigosu called the meeting to order at 3:37 p.m.

Roland Graves made a motion to move cases 01-190403278, 01-190403276, 07-190403252 and 10-180403221 to the front of the agenda. The motion was seconded by Brian Crawford and unanimously approved by the board.

**Case #01-190403278**

City of Albany

705 Broadway, Albany

Site Plan Review-Construction of a 6 (six) story mixed use structure with 129 residential units and 14,352 s.f. of retail space and construction of an 8 (eight) story, 106,352 s.f. hotel with 132 rooms.

Staff opinion is to modify local approval to include:

1. Proposed designs need to meet ADA regulation(s) a. 5'x5' landing on ramps; b. diagonal ramps should be avoided; c. if uses, diagonal ramps require 5'x5' foot turning spaces at the bottom of the ramp that is outside of the projects pavement edges.
2. Broadway is very wide, curb edges should be used.

**Advisory Notes:**

1. Developer needs to address inconsistencies in SWPPP.
2. There is a great potential for green infrastructure and to increase water retention, the developer should consider porous pavement and/or green/blue roof.
3. Traffic impact assessment:
  - Signal is justified solely on delays. No warrant analysis is provided.
  - Why only phase 2 signal?
  - Broadway is about 55' wide and could easily accommodate a left turn lane.
  - How will the Spencer and Clinton signals interact?

Dan Hershberg addressed the board, gave a brief description of the project and said the soil on site was not suitable for porous pavement, due to contamination.

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

**Case #01-190403276**

Armory Garage

950, 960 and 964 Central Avenue, Albany

Site Plan Review-Construction of a single story 53,267 s.f. structure for an automobile dealership.

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 NSYDEC SPDES General Permit for Stormwater Discharges. (GP-0-15-002, January 29, 2015).

Dan Hershberg addressed the board. He stated they will use porous pavement on this site due to vehicle storage that portion of the site will run into a separator as a duplicate method of treatment and discharge ground water thru the porous pavement.

Dominic asked if more traffic is expected in the morning and evening because of the larger service area? Dan replied, we have set the building back and have storage for 5 cars in each of the two lanes and storage in acceptance area for 4 more cars so there is plenty of space for cars waiting for service. There is a turning lane in the middle of Central Avenue to accommodate left turns into the site.

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

**Case #07-190403252**

Parking Expansion

621 Columbia Street, Town of Colonie

Site Plan Review-Project proposes parking expansion of 28 spaces. The project proposes swale and bio-retention basin. The site is a 4 acre parcel that currently contains a 25,000 s.f. office building and 116 parking spaces. There is no proposed change to ingress/egress or the Stormwater management.

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 NSYDEC SPDES General Permit for Stormwater Discharges. (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

Dan Hershberg addressed the board. He explained that the bio-retention basin is in connection with the new ICOE building the owner got a dedicated portion of the property for the new road, Coliseum Drive comes thru the site and traded a piece of property for parking.

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

**Case #10-180403221**

Rapp Road Residential Development

Corner of Rapp Road and Gipp Road, Guilderland

Subdivision Site Plan Review-222 (two hundred twenty two) Units across 5 (five) buildings on a 19.8 acre lot and the end of Rapp Road. Current proposal includes dead-ending Rapp Road on the Gipp Road end as part of the project to address traffic concerns.

Dominic Rigosu stated that we received the traffic study on April 16 and received a revised site plan on April 9. We will listen to public comment but we will not be ready to make any type of determination or give a staff opinion because we did not have time to review the materials. We will listen to the changes the developer has proposed and comments from the neighborhood. This will be one of two meeting and we ask that you keep the responses limited and try not to repeat one another this is an open meeting but not intended for public comments, however we do accept public comments.

Tom Shepardson attorney for the developer addressed the board. Chazen has gone back to the drawing board and showed a revised site plan including a traffic alternative, which involves dead ending Rapp Road at the City and Town municipal boundaries.

Roger Keating addressed the board, proposing a road closure at Gipp and Rapp Roads, we will close off the roadway itself but provide the ability for pedestrians to go from Gipp to Rapp and have landscaping and reduced width of pavement for the mixed use path that goes out to Western Avenue, this will

become the network that connects Gipp to Western. There will be an entrance similar to one at a trail head but if need be an emergency vehicle can get thru, but no regular vehicles permitted.

John Collins, traffic engineer said the intent here is to lower the volume of traffic using Rapp Road between Gipp and Washington Avenue Ext. divide the traffic generated by the facility estimated 100 vehicles during peak hours but the biggest bang for the buck is the diversion of existing traffic. By treating this section it discourages thru traffic during morning rush hour by removing 135 cars and in the evening over 200 cars. There will also be two additional intersections to access the ring road. Where the couplet is, there will be two signals as well as by Interstate 87 and are included in the analysis prior to construction of the round-a-bout proposed in those two locations.

Bill Anslow asked who owns Rapp Road?

John replied Guilderland and the City of Albany. The closure will be on Guilderland section of the road.

Bill asked if Guilderland is ok with this plan?

John replied we have submitted the plan to Guilderland for review and the City of Albany will need to review it as well. The only way we can cut off traffic patterns thru the historic district is to close Rapp Road.

Enzo asked how with the other intersections be effected by this closure?

Any intersection along Rapp Road will get better because of this change. Let's say for example person currently makes the left turn with the goal to go thru Historic District, Gipp Road or Pine Bush. They can still get there just without the direct route they have today, there will be some diversion.

Bill Anslow asked if they have discussed with the Historic District.

John replied, no.

Dominic stated that we received the traffic study late therefore no one has been able to review it.

Diversion of traffic will bring the traffic to ring road. Some intersections go from a C to a D even closing off Rapp Road some intersections will still be a D.

John explained a scenario using the Ring Road, Western Avenue and Johnston Road. They come from Johnston and go straight thru, from Western and make a left and some make a right, most movement is straight thru and left turn. What would happen is the thru movement will have to come across continue across to the mall ring road that has to capacity. If there isn't capacity the delay is on the Ring Road as opposed to local streets. If they stay on Western Avenue the volume on Western Avenue compared to the volume of traffic we are diverting is diminished basically. Please have the County Traffic Engineer call me with any questions.

Tom Shepardson added there are other environmental benefits for the Karner Butterfly with the closure aspect of this we have been working closely with Neil Gifford from the Pine Bush he has submitted a letter to the board.

Dominic replied, yes we received the letter but that too arrived late so I haven't gotten a chance to review it, but I understand there is a conveyance of land.

Neil Gifford addressed the board he said, there is ecological value to closing off thru traffic to that small corridor not only for the butterflies there are also a number of reptiles and amphibians in that area they will be able to move without the risk of being run over. Neil offered to review his letter with the board.

Dominic replied we will be meeting on this issue again next month so if you don't mind I would prefer you doing that next month. Neil agreed to that.

Dominic invited the public to comment on at this time.

Margaret Callahan, addressed the board she is a city resident, she was surprised to see the dead end proposal there has been a traffic issue in the historical district for many years my disappointment is with the city who has done nothing to address the traffic until Crossgates wants a project. I do not like the idea of a dead end road and I find the traffic numbers hard to believe. Anyone who lives in that small area are now going to be forced to go up thru Western Avenue and come down to go to Price Chopper which is only a mile and a half away this makes it inconvenient for a lot of people that live in that area it's also inconvenient for the people that work on Washington Avenue Extension there are a lot of people that drive that road daily, people who take care of our elderly parents and makes it very inconvenient for not only the people that work there but for the people that visit.

Tom Hart addressed the board, he lives on Westmere Terrace, he asked if anyone has talked to the people on Gipp Road regarding the increase in traffic as a result of closing off Rapp Road? As far as the traffic studies they have done, I don't believe there is not going to be any increase in traffic in the area, there is going to be if there are 220 apartments. By closing off Rapp Road, the traffic on Gipp Road will increase. My second concern and my biggest concern is with all of the nursing homes and assisted living facilities I am sure Westmere Fire Department the Albany Fire Department have a mutual aid response system by closing off this access it's going to force Westmere to go all the way up to Gipp to access this area, you will close off a possible emergency situation, I don't care if it is a 100 to 1 shot. I don't see this as a viable solution.

Enzo asked if this has been discussed with the fire department(s)?

Roger Keating responded: We have coordinated with the fire department regarding access to the site, however we haven't discussed this plan with them yet. We will make the same provisions for a fire lane as you would on a bike path, you can use crash gates. We will coordinate with the fire department to see what type of a gate they would want us to use.

Juanita Nabors of Rapp Road addressed the board. Even with the current proposal I will be inconvenienced but I am ok with that right now I can shoot right out onto Western Avenue, once they barricade it I will have to go out to Washington Avenue and access the Ring Road, I am ok with that. In regards to emergency vehicles they will have a way in, they can use Springsteen Road via the opposite way, which is what they currently do, so that really isn't an issue. We have to start somewhere I think this proposal is worth considering.

Michael O'Brien, City Common Council Rep addressed the board: A barrier between Gipp and the Ring Road. I want to point out Ms. Callahan who lives on Willow talked about the current traffic issue; which is true we have been attempted to start a conversation with the mayor's office in August unfortunately that hiccupped for several months until this project came along. We did meet with the mayor's office approximately 3-4 weeks ago, the mayor is now aware of it and she said give me a month to consult with my people. I am sure she would want to you talk to our fire department which apparently has not happened and talk to police department as well. I understand this board requested you contact the Rapp Road Historical Association it hasn't happened yet, the director Beverly is sitting right here as is Juanita and other folks from Rapp Road a few things need to happen; a conversation with the Rapp Road

community directly, a conversation with the Albany Mayor's office as well as the Albany Fire Department and Albany Police Department. I don't believe any decisions should be made until those conversations happen.

Steve Cope from Westmere Terrace addressed the board. Westmere Terrace backs up to the development and I am representing the 30 families who live in the neighborhood I have a petition signed by all 30 families and a letter regarding the impacts this development will have on our long term very stable neighborhood most of them don't have to do with the traffic, I am not going to read it but I will submit to the board.

Margaret Stein a Rensselaer County resident addressed the board, she has intimate connections with this area would like to board to remember historically this is an environmentally significant and historically significant area. Development seems to be chipping away we have to remember the environmental, cultural and historical resources and also quality of life. It is all well and good to have a mall and places to shop but if you have traffic that is impending peoples quality of life this is something to consider. The idea that this ecosystem is unaffected or can be unaffected is erroneous just asking the board consider any mitigation of these effects can happen, money being put toward preservation of land, education or mitigating traffic and quality of life concerns.

Grace Nichols from Parkwood Street in Albany addressed the board; she has concerns about the cultural, historical and ecosystem value of the land and the history with Crossgates itself. This land has supported a unique ecosystem for 10,000 years people have been there throughout that time there has been controlled burns and for thousands of years stewarding the land and a unique history of the African American community there, even a history of Tory's meeting there it's a very unusual and interesting area for a lot of different communities. It is also of great interest that 70 rare species live there. When I look at area 57 and part of it is under full protection. We as environmentalists and people who care about the rich history of the area demand full protection for that part of the Pine Bush, we also notice that the city of Albany is considering giving 8.4 acres for mitigation I was thinking about that and looked at the hotel and I notice that you can't take it back, there is a big cement block there look in the other direction and there is a McDonald's in the Pine Bush on the other side there is this sprawl that was supposed to be land for the butterflies because they were building the mall. I can not see allowing one more square inch of concrete in the Pine Bush it's a rare pine barren land, it is ours, there are 70 rare species there. The city should be giving 8.4 acres just because it's the Pine Bush and it makes this area unique and precious we should build nothing more.

Cheryl Whilby addressed the board she represents Soul Fire Farm of Petersburg, a nationally recognized injustice farm that provides doorstep delivery of affordable food to vulnerable communities in the Albany area and train thousands of African American farmers each year. We are urging you to deny Pyramid's proposal to build 222 apartments and townhomes on Rapp Road. In 1930 African American share croppers from Mississippi moved to Albany, NY in hopes that they could build a life free of debt and racial violence. They purchased the marshy 14 acre parcel for \$400 started a farm and used their earnings to build homes and acquire more land. People would come with whatever little money they had and little by little they would build homes and created this community. To date some of the original homes remain and are owned by descendants of the original Rapp Road Community. Rapp Road Community is on both National and State Historic Registries and in 2016 was on the NYS list of 7 historic places to save. We support Beverly Bardequez President of the Rapp Road Historic District in opposing this development which threatens the survival of the historic district. Pyramid's mall and hotel have already surrounded this community; further development will increase the density in traffic and

threaten its character. Rapp Road is the only place in the Capital District where you can go and see living history of the great migration of African Americans. The Rapp Road Community central to the curriculum we use in training new farmers and is hi-lighted in our book Farming While Black. It is a rare and precious community that Pyramid threatens, please oppose Pryamid's proposal.

Zachary Simpson, City of Albany resident this is the 3<sup>rd</sup> time I have spoken before the board regarding this massive project. I am here in strong support of Beverly Bardequez, Juanita Nabors and the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> generation residents who live on Rapp Road. They have valued concerns about the impact this project has on the community. You may recall I work in close proximity to walk Rapp Road and I can attest to the level of existing traffic and it is beyond outrageous. Rapp Road is a historic neighborhood that is a rare example of intact chain migration community. Rapp Road has been severely stressed with traffic and surrounding development. Wikipedia.org even states Rapp Road Community has survived despite the destruction of large scale development of its surrounding areas. I suggest that when you go to WMHT.org and watch the documentary Crossroads, a History of Rapp Road. Beverly Bardequez was very involved in the making of this film which shares the history of a church communities journey north in search of freedom and a better way of life for their children in the Pine Bush. I recommend that you watch this in order to fully understand the history and sacrifice that went into building this community. One thing Beverly said in the documentary is "the residents lovingly refer to the community as the holy land". It is a very sacred and special place that needs to be preserved.

Beverly Bardequez said she has been waiting to hear from someone at Pyramid and I am still waiting, we are neighbors, we need to have dialogue. I had met with Jim Soos early on we had a very good conversation. I believe that we need to have dialogue that is how we resolve situations. I am open for it and I am waiting. I would like someone to contact us and set up a date and time to meet.

Dominic Rigosu thanked everyone for attending and asked that people check the website for information on the next meeting that will be rescheduled due to a conflict for members.

### **GML 239 CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION**

Enzo Sofia made a motion to move the **19** cases recommended for defer to local consideration to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

#### **Case #01-190403277**

9 View Avenue, Albany

Conditional Use Permit-Conversion of a 1,710 s.f. single family dwelling into a two family detached dwelling.

#### **Case #06-190403273**

Zoning Map Update

City-Wide, City of Cohoes

Rezoning & Amendment Ordinance-Update to Cohoes Zoning Map to include a parcel at the intersection of Dyke Avenue and Saratoga Street that was previously omitted as a result of being owned by the Canal Corporation. Parcel would be zoned MV-1 (consistent with neighborhood).

**Case #06-190403280**

Private Swimming Pools Rezone

City-Wide, City of Cohoes

City of Cohoes is proposing to update its zoning code to remove requirement of a special use permit for private swimming pools and also to allow swimming pads in all residential use parcels. Swimming pools will still require a building permit.

**Case #06-190403281**

Furever Friends

151 Saratoga Street, Cohoes

Site Plan Review-Repurposing of part of a building primarily used for storage to host a “doggie daycare” business where pets will be groomed and/or kenneled for the workday or overnight.

**Advisory Note:** The ACPB wants to only approve site plans that are officially stamped and prepared by a professional. In the future please advise proposals that lack of stamped site plans could result in a disapproval.

**Case #06-190403282**

Mixed Use Development

70 Delaware Avenue, Cohoes

Site Plan Review-Mixed use development with two multi-family buildings (one with 44 units, the other with 48 units), one retail drive-thru building, and a waterfront park with public access, and a canoe/kayak launch.

**Case #04-190403272**

Screened Gazebo

22 Gardner Terrace, Delmar

Area Variance-Proposed gazebo would make accessory uses exceed 5% of lot coverage. Area variance requested to meet compliance.

**Case #05-190403262**

2185 River Road Variance

Town of Coeymans

Proposal to change the occupancy from a two-family to a three-family

**Advisory Note:**

1. The Town Zoning Board should consider the precedent setting nature of allowing a use variance.
2. Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate "unnecessary hardship". Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a use variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute.
3. The ACPB wants to only approve site plans that are officially stamped and prepared by a professional. All future referral applications for an area and/or use variance, subdivision review, special use permit, and/or site plan review are required to include an official drawing or rendering of the proposed site and action prepared by a licensed architect, engineer, or land surveyor. Absence of such could result in an automatic disapproval without prejudice.

**Case #05-190403263**

Mendiito Variance

12 Carr Road, Coeymans

Area Variance-Placement of a carport closer to the front setback than allowed by zoning.

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing an area variance for setbacks.

**Case #07-190403252**

Acadia Plaza Bank Pad

873 New Loudon Road, Town of Colonie

Site Plan Review-For construction of a new 1-story 3,3375 s.f. bank with a drive thru lane on an existing paved parking area with frontage on Loudon Road. No change to ingress/egress are proposed.

**Advisory Note:** The Town Stormwater management office should review the project drainage plans to ensure that proper drainage practices are used to control additional runoff from impervious surfaces.

**Case #07-190403254**

Exit 5 Auto-Addition

625 Watervliet Shaker Road, Town of Colonie

Site Plan Review-Construction of a new addition to accommodate new garage space. The proposed plan includes increased pavement, but no changes to any existing curb cuts.

**Advisory Note:** The Town Stormwater Management office should review the project drainage plans to ensure that proper drainage practices are used to control additional runoff from impervious surfaces.

**Case #07-190403258**

Core Life Eatery Pergola

109 Wolf Road, Town of Colonie

Area Variance-Application is for a setback allowance for a newly constructed pergola at Core Life Eatery.

**Advisory Note:**

The Town Zoning Board should consider the precedent setting nature of allowing an area variance for setbacks.

**Case #07-190403259**

Fresh Market Dumpster

664 Loudon Road, Town of Colonie

Area Variance-Project needs an area variance for 2 proposed 12'x12' angled masonry dumpster corrals in the front yard.

**Case # 07-190403265**

Transfer Station Enclosure

119 Wade Road, Town of Colonie

Site Plan Review-Proposed concrete foundation to support a new pre-fab, clear span enclosure intended to provide cover and containment of the existing trash storage area (current C&D Transfer Facility).

**Case #10-190403260**

Re-Zone

4557 Hurst Road, Town of Guilderland

Re-Zone-Request to return a split zoned parcel that is now zone RA 20 and RA 3 classified to the original RA-3 zoning classification.

**Advisory Note:**

No survey was included in the referral. If re-zoning is allowed, the town should encourage property owner to obtain survey of property lines during the parcel rezoning process to avoid confusion in the future.

**Case #10-190403269**

Farm Stand and Winery Tasting Room

32 Fryer Lane, Town of Guilderland

Special Use Permit-request for a farm stand and winery tasting room.

**Advisory Note:**

A special use permit approval should be conditional upon Town site plan review.

**Case #10-190403269**

Maggie McFly's Signage

1 Crossgates Mall Road, Town of Guilderland

Area Variance-A proposal for a variance request for exterior Maggie McFly's Signage in excess of 50 s.f.

The proposed sign will be 188.6 s.f.

**Advisory Note:**

The Town Zoning Board should consider the precedent setting nature of significant changes to the sign code.

**Case #13-190403274**

Area Variance

2747 Curry Road, Guilderland

Area Variance-Request for width at building line. Property owner owns two parcels and wants to subdivide one. In order to construct proposed building on one of the proposed subdivisions would require a variance for lot width (4.62').

**Case #08-19030232**

Pioneer Bank

1770 Central Avenue, Village of Colonie

Area Variance-To allow for less than 25' setback from curb line on Central Avenue. New construction of a 30,000 s.f. bank with drive thru teller to replace previously approved Starbucks project.

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing an area variance for setbacks.

**Case #08-190403266**

29-31 Fermac Street, Village of Colonie

Site Plan Review-Proposal to subdivide the parcel into 2 parcels and build a duplex on each parcel.

**Case #06-190403283**

Mixed Use Development

70 Delaware Avenue, Cohoes

Area Variance-Mixed use development with two multi-family buildings (one with 44 units, the other with 48 units), one retail drive-thru building, and a waterfront park with public access, and a canoe/kayak launch.

Staff opinion is to approve as is.

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

**GML 239 CASES RECOMMENDED FOR MODIFICATION**

**Case #05-190403279**

Biers Site Plan

2029 River Road, Town of Coeymans

Site Plan Review-Filling and Grading to establish two pads for a warehouse site plan review.

Staff opinion is to disapprove without prejudice.

1. A Notice of Intent 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 NSYDEC SPDES General Permit of Stormwater discharges (GP-0-15-002, January 29, 2015).
2. Certain waters of the State are protected on the basis of their classification. Streams and small water bodies located in the course of a stream with a classification of AA, A B or with a Classification of C with a standard of (T) or (TS) are collectively referred to as “protected streams”. The Coeymans Creek is classified as a C (TS) stream.
3. The Town should ensure the floodplain management zone requirements are met in site and that downstream impacts are considered due to a significant decrease in floodplain acreage.
4. Any wetland 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
5. The wetlands should be delineated on the plot and the project must be referred to NYSDEC Division of Environmental Permits for approval to fill 100 year floodplain, which consists of working alongside of a C (TS) classified stream.
6. Written approval should be sought from NYS Historic Preservation Office (SHPO) due to NYS Heritage Area (Mohawk Valley Heritage Corridor).

Roland Graves made a motion to accept staff opinion. The motion was seconded by Brian Crawford and unanimously disapproved by the board.

**Case #07-190403256**

DePaula Mazda

947 Troy Schenectady Road, Town of Colonie

Site Plan Review-Demolish two existing buildings. Construct 9,500 s.f. Mazda sales facility and 7,500 s.f. service and parts facility. Parking lot to include vehicle show areas, customer parking and vehicle inventory.

Staff opinion is to modify local approval to include:

1. A Notice of Intent 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 NSYDEC SPDES General Permit of Stormwater discharges (GP-0-15-002, January 29, 2015).
2. The site plan should include Colonie required accessible walkway.
3. The proposal should include a trip generation study.

**Advisory Note:** In order to receive a County Highway working permit a revised driveway design may be needed. Distance from parcel boundary should be at least 5' width should not be greater than 30'.

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

**Case #07-190403261**

Subdivision

241 Sand Creek Road, Town of Colonie

Area Variance-Proposed subdivision of 1 lot into 6 lots for single family dwellings including the existing dwelling. One street will be constructed along with all required utilities. Access will be from Sand Creek Road.

Staff opinion is to modify local approval to include:

1. A Notice of Intent 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 NSYDEC SPDES General Permit of Stormwater discharges (GP-0-15-002, January 29, 2015).

**Advisory Note:** Revenue/Maintenance cost ratio would be poor if road is dedicated to the town.

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

**Case #190403264**

BOCES Educational Facility

10C Airline Drive, Town of Colonie

Site Plan Review-Construction of a two story 41,712 s.f. educational facility approximately 30' in height. Seventy eight parking spaces are included in the project.

Staff opinion is to modify local approval to include:

1. A Notice of Intent 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 NSYDEC SPDES General Permit of Stormwater discharges (GP-0-15-002, January 29, 2015).

**Advisory Note:**

Site plan considerations:

1. The proposed plan uses a cul-de-sac roadway as the bus circle; if CPA stops allowing thru traffic on their private road, this may be a poor idea.
2. Town of Colonie should make sure cul-de-sac can accommodate the expected 12 buses.

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

**Case #10-190403271**

Deck

1229 Western Avenue, Guilderland

Special Use Permit-Area Variance-in order to construct a deck to be built with a 40' buffer.

Staff opinion is to disapprove without prejudice:

Disapprove Without Prejudice:

1. The Albany County Planning Board found the site plan to be unacceptable for viewing purposes; specifically the lack of information about the height, material, and design of the deck (will there be railings?).

**Advisory:**

- The Town Zoning Board should consider the precedent setting nature of allowing an area variance for setbacks.
- In the case of issuing an area variance, the Town should consider how substantial the area variance is.
- Any special use permit or area variance approval should be conditioned on safe pedestrian accommodations and access to the University at Albany.
- GML 239-nn requires the Town of Guilderland to give notice to Albany when there is an issuance of a special use permit or area variance within 500' of the shared municipal boundary.
- The design of the deck should consider the visual aesthetics along Western Avenue and should not negatively impact the character of the area as this is near entrance to both the city and the university.

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

**Case #13-1904032613**

Capital District Renaissance Festival of New York

Indian Ladder Farms

342 Altamont Road, Town of New Scotland

Annual Renaissance Fair at Indian Ladder Farms. Previously approved by ACPB. Proposal includes emergency and parking plans.

Staff opinion is to modify local approval to include:

1. Review by Albany County Department of Health for food service vendors.
2. Notifications to the Albany County Sheriff's Department for review and comment on emergency access and the emergency plan.
3. Notification to the local fire department for review and comment on emergency access and the emergency plan.

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

Meeting adjourned at 5:15 p.m.

Albany County Planning Board will meet again on Monday, May 13, 2019 at the Cornell Cooperative Extension, 24 Martin Road, Voorheesville, NY 12186.