

**Albany County Planning Board
Meeting Minutes
March 21, 2019**

Present:

Dominic Rigosu, Chair, William Anslow, Brian Crawford, Tim Garufi, Roland Graves, Enzo Sofia, David Reilly

Minutes:

Janis Dunham Relyea

Guests:

Zachary Simpson
Karen White
Tom Shepardson
Dan Hershberg
Jeremiah Hogan
Elizabeth Floyd Mair
Juanita Nabors
Michael Gately
Beverly Bardequez

A call to order:

Dominic Rigosu called the meeting to order at 3:32 p.m.

Enzo Sofia made a motion to approve the minutes from the February 25, 2019 meeting. The motion was seconded by Roland Graves and unanimously approved by the board.

Roland Graves made a motion to hear case #10-190303221 first. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #10-190303221

Rapp Road Development, LLC
Opposite side of Rapp Road from Crossgates Mall
Subdivision/site plan review for 222 units across five buildings on a 19.68 acre site.

Staff opinion is to disapprove without prejudice:

The recent re-zoning of the parcels for areas around Crossgates Mall to Transit Oriented District (TOD) was to encourage a more compact development and mixed uses within this zone. The proposed single use project does not appear to meet the intent of the re-zoning. If the development is proposed to be in multiple phases then the applicant should demonstrate how the proposed development with or without future phases will support the goals and objectives of the TOD District.

Traffic Impact Study dated November 14, 2018 is incomplete. Due to the project size and connection to Crossgates Mall Ring Road the traffic study must include

traffic impacts on NYS I-87 exit ramp leading to the Ring Road. This intersection has a long history of accidents. Additional traffic should not be added to this intersection until the current deficiencies at the ring road have been mitigated.

Additional comments:

60% of the trips will use the ring road to Washington Ave Extension, I-87 and I-90. These intersections should be included in the study.

On-street parallel parking often increase crash rates. It can reduce vehicle speeds if spaces are used. However, if spaces are empty, vehicle speeds will likely increase. Parallel parking along Rapp Road should be discouraged.

Does the connection to the mall ring road have to be a four - leg intersection? Three-leg intersections have lower crash rate.

A complete handicap accessible route to bus stop(s) and main mall building should be provided.

Shared-use paths should be greater than 8' wide. Widen 8'-0" paths to 10'-0". In the long term, there should be a plan to connect this path into the trail network proposed in the Capital District Trail Plan.

The project is exceeding the total number of parking spaces required by Town Zoning requirements. Town requires 333 parking spaces and the applicant is proposing 405 spaces. The purpose of a "Transit Oriented District (TOD) is to encourage more compact development, traffic measures, better access management, improving the environment for non-automobile oriented modes of transportation, reducing the number of required parking spaces, supporting mixed use building and pedestrian linkages, and focusing intense development away from existing residential neighborhoods." The TOG board should encourage significantly reducing the number of parking spaces provide to coincide with the purpose of the TOD. Parking above the required amount should be banked.

Tom Shepardson, attorney for the developers addressed the board.

Introduced the team of people attending with him, Jim Seuss, Roger Keating and Dr. John Collins a traffic expert, particularly in the Crossgates Mall area, he has been studying the traffic there for nearly 40 years.

John Collins with Maser Consulting addressed the board, he prepared the traffic study submitted with the application as part of the application Maser was involved with Creighton Manning who is preparing for the transit oriented developments new transit center includes a detailed study of the Crossgates Mall Ring Road as part of the study dated 2016, if the board would like a copy of the Creighton Manning Study for the record I can do that. They did an extensive analysis of the traffic generated by the transit oriented development which included this parcel of land. Therefore, when we were preparing our documents, since that had already been evaluated during the previous SEQR process the CDTA. The study showed there should be improvements at the I87 ramp, they suggested a round a about, in fact in two locations. The mall has come to an agreement with CDTA for improvements and is waiting on federal funding. When I look at the predicted level of service predicted in the CME study the addition of the traffic even if 60% of the traffic from the development came thru here it is a low percentage

compared to what is currently going thru. In off peak hours the intersection does have some capacity. That intersection does have operational issues and it is a matter of history. I can approach it two ways I can take a separate analysis take the information in the main study add volume of traffic and show what the impact would be I don't anticipate it to be substantial because of the type of development, of heavy retail or a major industrial complex.

We have met with the City of Albany and asked what they would like to see done with the City owned portion of Rapp Road, if they want us to cut off access we can, we have showed a new access from Rapp Road to Crossgates, we show as two way road but we can make it one way if they prefer. There is a heavy volume of traffic on Rapp Road, not from the Mall but other City roads. CME added almost a 1000 vehicles in the supplemental study.

Enzo Sofia asked what time of day did they add the additional 1000 cars?

The summary stated the vacant land along Western Avenue including this parcel and said what could be developed, that generated for evening and morning rush hour. The cars were figured in the evening rush hour. And depending if the cars were coming home to the area or leaving from working in the area and that is what led to the ultimate design of the roundabout. There is a roundabout proposal, it needs additional land the mall needs to cooperate, and they are. There would be a road leading to the new transit center and a roundabout and there will be 4 lanes feeding it then there will be a conventional driveway leading out to Western Avenue. The plan for the transit center will allow for the busses to come in and turn around and go back.

There are two rotaries proposed, one at the I87 ramp and one at the main entrance.

Dominic stated that Crossgates has gone thru many phases construction, many tenants and the last thing was the hotel and traffic has not improved, they keep building and nothing is done with the traffic at some point someone we have to say enough and address the problem. Putting a hotel in I honestly didn't think it would do well but parking lot is always full and that is great.

John says at the same time the mall parking lot is empty the traffic is less than half of what is out there 20 years ago.

Dominic replied, yes but that ramp is always full of cars.

At some point it must be mitigated, that is one of the boards concerns.

John said they plan to mitigate it as part of the CDTA project.

Bill asked if that is 100% go and funded.

John-application has been submitted for federal funding

Dominic replied Trump has put that money on hold.

Roland said I believe most of that traffic from apartment complex will us the ring road. It won't go over to Western, it will go down Rapp Road.

They assume 60% of the traffic is destined for the ring road system.

Dominic asked what direction, John replied to the ramps.

Roland said he travels that road at 6 am and it is jammed, I know there was a study done, I travel that road a lot it's always busy. It is highly congested and I don't think the road was designed for that much volume.

John said it's the same size as Western Avenue, there are multiple signals a short area there are 5 signals and the traffic circles will help that.

It is a town road and the county plows it.

CDTA will put the rotaries in.

Tom Shepardson addressed the board, he wanted to discuss the inconsistencies with the TOD, I believe that is a misstatement because the project does promote pedestrian linkages, we have multiple trails, sidewalks, CDTA bus stop all consistent with what the TOD is trying to accomplish a dense development in order to do that the TOD allows for taller buildings it is a dense development and by design it is consistent with a TOD. There was discussion regarding parking, east of Rapp Road there will be one space per dwelling unit whereas west of Rapp Road there will be 1.5 parking spaces. The TOD itself removes the amount of parking that is in the language of the law and it meets the requirements, we go over the parking requirements so we comply.

Dominic asked why the extra parking?

Tom replied, we have one and two bedroom units here we determined that is the appropriate amount. I don't know if we both have the same interpretation but ultimately it is up to the town to decide. Tom said it is a local issue and the board should be looking at the bigger picture. Dominic replied we are looking at the bigger picture, including; parking, Rapp Road Historic Association and the highways in the surrounding area and we recommend parking be banked.

Juanita Nabors addressed the board, she lives on Rapp Road, part of the Historical Association. She said I have one question how many of you in this room when backing out of your driveway do you have to wait for 10 or 15 cars bumper to bumper to go by? That is what we do on Rapp Road, we can't even get in and out of our driveway and the traffic study on Rapp Road says there are 125 cars, 125 people don't live on that road, we are getting traffic from Guilderland, they use it as a short cut from Washington Ave Ext to Western Ave, 222 units will be going to make it worse, I am a committee person for district 3, the condos on pine lane, when I was carrying petitions, there are 1200 units down there and the people are complaining, what are we going to do, we can't even get out of our road because of the traffic.

Paddock Circle is on the back side, but there is a National Grid property between the apartments and Paddock Circle so you can't create another exit.

Beverly Bardequez addressed the board, Rapp Road Historic District was placed on the state historic registry in 2002 and in 2003 it was placed on the national registry. So it is now a landmark. She met with Mr. Suess and she told him that we need to protect our historic district that is our objective. Putting two five story buildings facing Rapp Road and come out to Rapp Road, it is going to impact Rapp Road, I don't care how many cars you say will go thru here, it is going to affect Rapp Road. Because if you are headed toward the Ring it is congested, people want to avoid congestion, they will look for the easiest way that means they are heading west and get onto Washington Ave Ext, that brings them thru the historic district.

Zachary Simpson addressed the board. I work at Columbia Circle and drive thru the Rapp Road district at all times of day, it is always congested. It was never designed for this much traffic, there is no sidewalk or bike lane. If this development gets built young people will be riding and walking thru to get to the Pine Bush. No street lights. Something that needs to be considered.

Karen White addressed the board. She agreed with Beverly's statements. I don't see demonstrated need for a 200 unit apartments. I recall at the Guilderland town hall when the proposal was brought to them. In absence of retail business are you willing to convert some of the mall space into apartments? Can we think about reusing what we already developed rather than taking away green space? We already have vacant surface lot that could be used as parking for the apartments. When an anchor store leaves why can't they turn the old store into apartments? It works with the TOD district, there are busses going downtown. We have to start reusing instead of just mowing everything down.

Juanita added we are impacting the butterfly.

Dominic replied that B Lange and Associates are working together with the butterfly and other endangered animals in the Pine Bush.

Dominic asked if anyone else from Crossgates or the neighborhood would like to speak.

Tom Shepardson addressed the board there has been a lot said, I think we have some more work to do, particularly with traffic we are asking the board table this for another month so that we can work on the issues.

Dominic replied, The Town of Guilderland has submitted everything they have and if we don't respond within 30 days and if we don't act on it they can override the board and review it as is. Last month we did not have the EAF or Traffic Study so we were able to consider it an incomplete application. Bill Anslow produced a letter from GPI and they suggested that the applicant consider conducting additional analyses under site plan review to insure adequate intersection and site distance is provided at the proposed driveways and adding a sufficient buffer between the proposed on street parking and any proposed bike paths.

We can table until the end of the meeting and reach out to Town of Guilderland and ask them if they are ok with this being tabled another month.

Beverly addressed the board again asking if The City of Albany has been contacted regarding the traffic.

Dominic said yes, we asked them to work with the City of Albany regarding the traffic impacts.

John replied Yes, I met with someone at the City of Albany.

Beverly asked who? Because they didn't seem to know very much about it.

John did not remember who, but I can get you a list of who was there also said it was the city planning department. We discussed traffic on this road and other roads bringing the traffic to your neighborhood.

Beverly strongly encourages Guilderland to work with the City.

Enzo Sofia made a motion to table this item until the end of the meeting. Roland Graves seconded the motion and it was unanimously approved by the board.

Roland Graves made a motion to move case #10-190303229 to the front of the agenda. Enzo Sofia seconded the motion and it was unanimously approved by the board.

Case #10-190303229

300 Great Oaks Boulevard

Rosenblum Companies

300 Great Oaks Boulevard, Guilderland

Rezone site to build two market rate apartment buildings with amenities for both residential and office tenants.

Staff opinion is to modify local approval to include:

1. The proposed rezone and increased density of the site may require additional fire access. Section D104 on the 2015 International Fire Code requires two means of fire departments access for certain size commercial buildings and building heights. If the existing structures or the proposed buildings meet the requirements for an additional or the proposed buildings meet the requirements for an additional fire apparatus access then it should be determined how this will be addressed prior to rezoning as the site has limited access.
2. The rezoning should be sent to the Fire Department for review and comment. Under Section 503.1.2 of the International Fire Code it states the fire code official is authorized to require more than one fire apparatus access road based on potential impairment of a single entrance.

Advisory Note: The Town should look at the town-wide impact of surrounding usage.

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

Roland Graves made a motion to move cases #07--190303228 and #01-190303238 to the front of the agenda. Enzo Sofia seconded the motion and it was unanimously approved by the board.

Case #07-190303228

Cold Springs Subdivision

Starlight Development

499-507 Albany Shaker Road

Site Plan Review-Demolition of existing buildings (vacant former horse paddock, abandoned farm stand and a vacant dwelling) and construction of new cluster subdivision of 39 homes.

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-0-15-002, January 29, 2015) for construction activities that disturb more than one acre.
2. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
3. Show the intersection sight distance from Leighton Street on the plan.

Advisory: The applicant should be encouraged to build sidewalks for access to Albany Shaker Road.

Dan Hershberg addressed the board. A few years back we presented a townhome development on this site and the town rejected the proposal. We have changed the plan to a cluster subdivision we meet the density for the site and able to maintain 3.6 acres of conservation area and able to maintain a 25 foot no cut buffer around the site. The town would not consider this project until the Albany Shaker Road Traffic Study was done.

Roland Graves asked why there is a mail kiosk?

Dan Hershberg replied it is a US Post Office regulation, all new single family developments must have a kiosk for mail delivery.

Dominic mentioned the possibility of sidewalks being put in so they can connect to Albany Shaker Road. Dan Hershberg said the Town of Colonie normally requires a sidewalk on one side of the road, this discussion will probably happen again since pedestrian traffic is important to them.

Enzo said there is only one outlet

Dan replied-Fire department is ok as long as the cul-de-sacs are short and they are wide enough for a truck to get around.

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

Case #01-190303238

60 Academy Road-Parson's Child and Family Center

60 Academy Road, Albany

District Plan Amendment-Amendment to a previously approved district plan involving construction of a 12,910 s.f. community residential facility and demolition of an existing 8,750 s.f. residential structure will be demolished.

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 (SWPPP) has been prepared, is being prepared and is being implemented or submission of a Stormwater Pollution Prevention Plan that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-1-15-002, January 29, 2015) for construction activities that disturb more than one acre.

Dan Hershberg addressed the board. He stated that they don't need a SWPPP because there is public sewer and the city has their own SWPPP. This is regulated by the Albany Water Board.

He did a brief overview of the new facility, discussed the demolition and Stormwater issues that will be addressed.

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

GML 239 DEFER TO LOCAL CONSIDERATION

Brian Crawford made a motion to move the 18 cases that are defer to local consideration to the front of the agenda and approve as is. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #07-190303227

Bob Cordell-Garage
2155 Central Avenue
Area Variance-Proposed accessory garage in the COR zoning district seeking a setback allowance.

Case #12-190303230

A1 Self Storage, LLC
30 Broadway, Menands
Use Variance to build a 450 s.f. self-storage building with units varying in size.

Case #05-190303231

Kathleen Palmer-2 Lot Subdivision
505-511 CR 111, Coeymans
Subdivision Review-2 Lot Subdivision, Lot #1 – 2.58 acres, Lot #2 – 3.45 acres to separate two dwelling units on two individual lots.

Case #01-190303234

89 (AKA 95) Central Avenue
Legal Aid Society of NY
89 (AKA 95) Central Avenue, Albany
Area Variance-From the maximum wall sign of 24 s.f. to a 35 s.f. wall sign.

Case #01-190303235

BBL Construction
950, 960, 964 Central Avenue, Albany
Area Variance-To allow for a 136 foot front setback, where the maximum permitted front setback is 100 feet.

Case #01-190303236

Habitat for Humanity
288 Orange Street, Albany
Area Variance to allow for a (6) foot side setback, where the maximum permitted site setback is 3.5 feet.

Case #01-190303237

Habitat for Humanity
301 Orange Street, Albany
Area Variance to allow for a (6) foot side setback, where the maximum permitted site setback is 3.5 feet.

Case #01-190303239

Edward Maltino
423 & 427 Washington Avenue
Site Plan Review-Demolition Review-Construction of a 16,900 s.f. multi family dwelling with 16 dwelling units. An existing 2,025 s.f. residential structure will be demolished.

Case #13-190303241

Minor Subdivision Lands of Sommer/Cheever
35 Hurst Road, Town of New Scotland

Subdivision Review-Minor subdivision to separate a 60 acre parcel into 20 acre and 40 acre parcels. All improvements will remain on the 40 acre parcel.

Case #13-190303242

Lands of Malark

365 New Salem Road, Voorheesville

Area Variance to allow for construction of a detached garage 72' off center of the road when 95' is required.

Case #13-190303243

Small Cell Wireless Local Law

Town-Wide, Town of New Scotland

Adoption of Local Law B of 2019-Local Law Amending Local Law No. 6 of the year 2004 of the Town of New Scotland to establish special regulations regarding small scale cell technology.

Case #13-190303244

Kim Newell and Eldrid Andres

44 New Salem South Road, New Scotland

Special Use Permit – Request for 12 chickens and 6 ducks contained in a coop/pen area.

Case #04-190303245

Boswell Penc Home Addition

510 Russell Road, Town of Bethlehem

Special Use Permit – Applicant would like to finish the ground level basement to include a 760 s.f. accessory apartment that will be subordinate to the single family dwelling. It would have a separate entrance clearly marked.

Case #10-190303247

Town of Guilderland Local Law 5 of 2019

Town-Wide, Guilderland

Local Law #5 of 2019 regarding small cell wireless facilities and micro cell facilities.

Case #10-190303247

Lands of Sancchetti-2 Lot Subdivision

2747 Curry Road, Town of Guilderland

Subdivision Review-2 lot subdivision of 11 acres.

Case #10-190303248

Clover Pond Vineyard

4730 Western Tpk., Town of Guilderland

Area Variance – Request to eliminate fire sprinklers in lieu of alternate protection.

Advisory: The applicant should confirm that a fire protection sprinkler system is not required by Section 903 of the 2015 International Building Code adopted by NYS.

Case #10-190303249

Crossgates Mall Sign

1 Crossgates Mall Road, Guilderland

Area Variance-Installation of exterior sign exceeding 50 s.f.

Advisory: The Town should consider the precedent setting nature of significant changes to the sign code.

Case #10-190303251

ARB Legacy Development

Western Avenue and Twenty West Drive, Guilderland

Interpretation request-Is the proposed use allowed in the LB zone? Proposed use is a farm store.

GML 239 CASES RECOMMENDED FOR MODIFICATION

Case #02-1903033233

VMAR Development, LLC

Bozenkill Road, Altamont

Subdivision Review-Project includes the land subdivision of the main 23.87 acre parcel into 4 lots. 3 new lots will be developed as single family residences, totaling 1.42 acres. The remaining 22.45 acre lot to the north, will remain undeveloped. The 3 residential lots range in acreage from .46 acre to .50 acre and will be served by public water and sanitary sewer.

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 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.
2. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineer for permits under Section 404 of the Clean Water Act.
3. Driveway access permits must be obtained from the Albany County Department of Public Works.

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

Case #07-190303240

Mobil Air Transport

12 Runway Avenue, Colonie

Site Plan Review-Proposed 6,000 s.f. warehouse addition. No proposed public utility connections or changes to the ingress/egress. Revisions to parking lot and minor grading.

Modify local approval to include:

1. Review by the FAA (Form 7460-1 available from www.faa.gov) and notification to the Albany Airport Authority for FAA-FAR part 77 Aeronautical Impact Notification for Temporary Construction related and structural incursions within prescribed runway approach.
2. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared is being implemented or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with Stormwater Discharges (GP-0-15-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 Brian Crawford and unanimously approved by the board.

Case #10-190303250

Stuyvesant Dental Care Sign
1465A Western Avenue, Guilderland
Area Variance – Request for placement of a sign

Staff opinion is to modify local approval to include:

1. The Town should ensure the sign is not in the ROW of SR 20.
2. NYSDOT should be notified of the sign.

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

Case #10-190303221

Rapp Road Development, LLC
Opposite side of Rapp Road from Crossgates Mall

The board agreed to table the earlier discussion until the end of the meeting. Tom Shepardson was not able to reach anyone at the Town of Guilderland and asked the board to table any decisions until the April meeting.

Enzo Sofia made a motion to table this case with a recommendation that the Rapp Road Development meets out to the Rapp Road Historic Associations, State Historic Preservation Office and the City of Albany to address concerns regarding traffic impacts to the National Historic District until April 18, 2019. The motion was seconded by Roland Graves and unanimously approved by the board.

Meeting adjourned at 4:57 p.m.

The Albany County Planning Board meets again on Thursday, April 18, 2019 at 3:30 p.m. at the Cornell Cooperative Extension 24 Martin Road, Voorheesville, NY 12186.