

**Albany County Planning Board
August 16, 2018
Approved Minutes**

Present:

Dominic Rigosu, Acting Chair, William Anslow, Yomika Bennett, Sean Maguire, Lisa Ramundo, David Reilly, Bakary Janneh

Albany County Planning:

Michaela Sweeney

Minutes:

Janis Dunham Relyea

Guests:

Daniel Hershberg

Keith Ferraro

Andy Brick

Gordon McClelland

A call to order:

Dominic Rigosu called the meeting to order at 3:36 p.m.

Yomika Bennett made a motion to approve the minutes from the July 19, 2018 meeting. The motion was seconded by Sean Maguire and unanimously approved by the board.

Sean Maguire made a motion to move cases #07-180803085 and #14-180803107 to the front of the agenda. Yomika Bennett seconded the motion and was unanimously approved by the board.

Case #07-180803085

Ferraro Entertainment Complex

941 Albany Shaker Road, 2 Sicker Road, 4 Sicker Road, Town of Colonie

Site plan to construct a 26,250 s.f. amusement center including bathrooms, kitchens, café seating, lounges, and party rooms. 200 parking spaces including 6 handicap spaces will be provided. The parcels will be merged and four existing principal buildings and outbuildings will be demolished.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity and drainage.
2. The driveway should be reconfigured to ensure adequate site distance. There is not enough frontage between the property line and bus pull-out for a commercial driveway.
3. Review by the FAA (Form 7460-1 available from www.faa.gov) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.
4. Any wetlands disturbance will require notification to and review by the Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

5. Review by the Albany County Department of Health for food service, grease trap and other required permits.
6. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

Advisory Note: The Town should determine if all of the parking spaces are needed for the proposed uses, and if not, additional banked parking should be encouraged.

The applicant is encouraged to incorporate additional green infrastructure practices in and around the bio-retention basin to provide an additional buffer between the parking area and wetlands. Please reference Albany County's Green Infrastructure Policy, which applies to all projects taking place along County roads that will result in a land disturbance of greater than or equal to one acre.

Dan Hershberg addressed the board and briefly described the project. When asked about the driveway location he it could be moved and reconfigured to avoid the CDTA bus pull-out.

Bill Anslow asked why the parcel on the corner of Albany Shaker Rd. and Sicker Rd. was not part of the development. Dan said they are under contract to purchase the parcel and do not immediately need the parcel for their existing plans. The parcel they are leaving alone is residential and has a house on it, and the owner thought it would be a good source of revenue.

Dan also discussed the banked parking and the need to accommodate bus parking. They expect the busiest hours of operation on weekends. The owner is certain they have adequate parking.

Dan stated that are space limitations for additional green infrastructure practices near the drainage swale but could be considered elsewhere on site.

Bill asked if they would consider using Sicker Road for access. He advised him to contact Jim Mearkle and CDTA regarding the driveway location and curbcuts in relation to the CDTA bus pull-out.

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

Case #14-180803107

Coeymans Recycling Center Subdivision

Northeastern Corner of the Village of Ravena

Subdivision of 66 acres in the Village of Ravena to create a new parcel for the existing 59,000 s.f. warehouse/storage facility (Building C9) with associated parking and utilities. *ACPB reviewed the site plan for this parcel in April 2018.

Staff opinion is to modify local approval to include:

1. Notification of the application should be given to the Town of Coeymans, including all required notices pursuant of GML 239-nn.
2. Review by the NYS Thruway Authority for assessment of impacts of Thruway lands.
3. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

Advisory Note:

A shared access agreement (including a maintenance agreement) should be referenced in all deeds for all involved properties.

The subdivision referral was mailed on August 10, 2018 and received by planning staff on August 13th, a week after the referral submission deadline (August 6). The agenda was amended to include this referral on August 16. The ACPB reviewed the site plans for this parcel in April 2018 with modifications for local approval.

Andy Brick addressed the board. He explained that the proposed subdivision was presented alone because the bank will only finance the buildings individually. The Village has no objection to this proposal. Also, he will ensure that the proposed easements are filed the deed for ingress and egress.

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

Case #10-180803093

Jennifer Nickel

2020 Western Avenue, Town of Guilderland

Special use permit to change the use of Suite #1 at 2022 Western Avenue from an existing doctor office to a healing arts center and yoga studio.

Dominic Rigosu recused himself from voting. The Board did not take action on this case due to lack of a quorum.

Case #10-180803095

Hiawatha Land Development, LLC

6025 & 6051 State Farm Road, Town of Guilderland

Special use permit for the construction of 256 senior independent living apartments within five buildings at the location of the existing Hiawatha Trails Golf Course. 260 surface parking spaces and 58 garage parking spaces are proposed, with 119 banked parking spaces. A variance is requested to permit the building height to exceed 2.5 stories. The 3-story portion of the building will make up 80.4% and the 4-story portion will make up 19.6% of the total building perimeter. Approximately 20 acres of land will be dedicated to the Town of Guilderland for conservation and open space purposes.

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 of land.
2. Review and permits by Albany County Department of Health for extension of sewer lines.
3. Review by the NYSDOT of highway access, drainage and assessment of road capacity.
4. Notification to the local fire department of the project site plans. Any comments related to fire service safety, including but not limited to design of the emergency vehicle access road and location of fire hydrants, should be considered prior to granting final site plan approval.

Sean Maguire recused himself from voting. The Board did not take action on this case due to lack of a quorum. Dominic Rigosu tabled this case until the September meeting.

GML 239 CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Sean Maguire made a motion to move the **11** cases recommended for defer to local consideration to the front of the agenda. The motion was seconded by Yomika Bennett and unanimously approved by the board.

Case #07-1800803086

P&J Computers, Inc.

3 Highland Avenue, Town of Colonie

Variance for a minor lot line adjustment between 3 and 5 Highland Ave. A portion of the existing building on 3 Highland Ave. encroaches onto 5 Highland Ave., which has existed for over 20 years. The property passed through two sets of owners until the encroachment was discovered. The side and front yard setbacks associated with the proposed line lot adjustment do not comply with the side and front yard setback requirements in the NCOR Zoning District.

Case #07-180803088

Kotecki Use Variance

10 Maywood Avenue, Town of Colonie

Use variance to convert a two family dwelling and business office into a three family dwelling in the Commercial Office Residential District.

Case #02-180803090

Mountain View Prosthetics

124 Maple Avenue Extension, Altamont

Special use permit for the operation of a prosthetics fabrication business.

Case #10-180803094

Niagara Mohawk Power Corporation Fence

642 Route 146, Altamont

Installation of an 8 foot tall fence topped with 1 ft. of barbed wire around an existing substation.

Case #01-180803097

Matthew and Holly Wendt

12 Aspen Circle, City of Albany

Variance to install a 6 ft. fence with frontage along the northern and eastern sides of a single family residential parcel.

Case #04-180803098

VVK Machine Shop

619 Wemple Road, Glenmont

Site plan for review for construction of a 6,000 s.f. fabrication machine shop.

*ACPB reviewed the area variance for this development in January 2018.

Advisory Note: The applicant proposes that 0.95 acres of land will be physically disturbed during construction. The town should ensure that the property owner is aware of the regulations for construction activities that disturb one or more acres of land. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should land disturbances exceed more than one acre, including submission of a Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land. Persons commencing work on such a project before obtaining the required permits, and any contractors engaged in such work, are subject to enforcement action by the DEC, which may include civil and/or criminal court action, fines and/or an order to remove structure or materials or perform other remedial action.

Case #01-180803100

185-189 Elm Street, City of Albany

Construction of three, 3 story townhouses with nine residential units. 183 and 185 Elm Street will be combined and lot lines will be adjusted between 185, 187 and 189 Elm Street. The project will include construction of new sidewalks and utility connections.

Case #01-180803101

The Knick Apartments

16 Sheridan Avenue, Albany

Conversion of a former commercial building into a mixed-use building with 133 apartments and 5,550 s.f. of retail/commercial space. An additional story totaling 10,333 s.f. containing nine residential units and a rooftop deck will also be constructed.

Case #01-180803102

105 Morris Street, City of Albany

Construction of a five story, 38,240 s.f. multi family dwelling. An existing 9,590 s.f. structure at the site will be demolished.

Case #13-180803103

Adam Sherman Special Use Permit

13 Grayceland Avenue, Clarksville

Special use permit to convert a one-family dwelling into a two-family dwelling.

Case #13-180803104

MacMillen Lot Line Adjustment

SE Side of New Salem Road, opposite Picard Road, Town of New Scotland

Lot line adjustment to add 1.4 acres of vacant land to an existing 1.18 acre parcel for construction of a new house.

Advisory Note: Any future plans to construct a driveway with access to SR 85A will require review and permits by NYSDOT. Review by the Albany County Department of Health will also be required for proposed water supply, waste water discharge and other required permits.

GML 239 CASES RECOMMENDED FOR MODIFICATION

Case #01-180803084

Amendment to USDO 375-5(E)(24)

City of Albany

Amendment to the USDO 375-5(E)(24) to divide the existing use classification “Controlled Substance Dispensary” into two new use classifications, “Marijuana Dispensary” and “Methadone Dispensary,” and provide additional Use Specification Standards for Methadone Dispensaries.

Staff opinion is to modify local approval to include:

1. Notification of the zoning amendment should be sent to all adjacent municipalities that border the affected zoning districts.

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

Case #07-180803087

Scarborough’s Restaurant and Tavern

1008 Troy Schenectady Road, Town of Colonie

Variance for a proposed 20 s.f. two-sided billboard with a 3 foot front yard setback on Old Niskayuna Road, which is not compliant with the 50 foot minimum front yard setback and is not a permitted use in the Commercial Office Residential District.

Staff opinion is to modify local approval to include:

1. Submission of an agricultural data statement to the town as required by Town Law for site plan, special use permit, use variance and subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.

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

Case #07-180803089

Atlantic Blue Supermarket

1160 Central Avenue (former Sunset Bowling Alley), Town of Colonie

Site plan review for the conversion of a former bowling alley into a supermarket. A two-story, 2,350 s.f. addition is proposed at the rear of the building for loading and storage, and a 5,000 s.f. food court addition is proposed on the eastern side of the building.

Staff opinion is to modify local approval to include:

1. Notification to NYSDOT for closing an existing curb cut to State Route 5 (Central Avenue) and any other permits required for work within the SR 5 right-of-way.
2. Review by the Albany County Department of Health for food service, grease traps and other required permits.

Advisory Note: While a SWPPP will not be required for this redevelopment project, the applicant is encouraged to incorporate erosion and sediment control measures during construction.

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

Case #08-180803091

CKA Management/Rosetti Development Company

1770 A Central Avenue, Village of Colonie

Site plan review for a new Wendy's Restaurant. The project involves demolition of the existing structure which burned down and installation of a new restaurant on the existing building pad.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for food services, grease traps and other required permits.
2. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML 239-nn.

Advisory Note: The Village Board should encourage the applicant to ensure that the car stacking related to the proposed drive-thru will not pose traffic or safety impacts to the nearest parking lot entrance/exit along Karner Road and to traffic within the adjacent parking area located between Wendy's and Karner Road.

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

Case #10-180803092

Pilarinos Real Estate, LLC

1709 and 1715 Western Avenue, Town of Guilderland

Special use permit to demolish a building to create additional parking on a parcel adjacent to Capital City Diner. The curb cut for 1715 Western Avenue will be closed and the existing driveways on the diner site will be utilized for access. A variance is also requested to permit 80 parking spaces where 71 spaces are allowed.

Staff opinion is to modify local approval to include:

1. Notify NYSDOT of the closing of curbs cuts to SR 20 (Western Avenue).

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

Case #04-180803096

Niagara Mohawk Power Corp d/b/a/ National Grid Reactor Station
Bethlehem Energy Center, 380 River Road, Glenmont
Site plan review for construction of a new reactor station at Bethlehem Energy Center.

Staff opinion is to modify local approval to include:

1. Existing wetlands should be delineated on the plot plan. Any wetlands disturbance will require notification to and review by the Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

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

Case #10-180803099

Franchi Scavio
1801 Western Avenue, Town of Guilderland
Amendment of Special Use Permit #9-85 to remove a condition prohibiting restaurant use and allow the operation of Paesan's Pizza and Restaurant.

Staff opinion is to modify local approval to include:

1. Review by Albany County Department of Health for food service establishment, grease traps and other required permits.

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

Case #13-180803105

Town of New Scotland Comprehensive Plan Updates 2018
Town-Wide
A resolution amending the Town of New Scotland Comprehensive Plan and adopting the Town of New Scotland Comprehensive Plan Update 2018.

Staff opinion is to modify local approval to include:

1. Notification of adoption of the comprehensive plan should be sent to all adjacent municipalities.

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

Case #05-180803106

WM Biers, Inc.

West side of River Road/Route 144, Next to port of Coeymans, Town of Coeymans

Special use permit for placement of recycled concrete aggregate (RCA) material to flatten existing slopes and allow for material processing and laydown areas for landscaping materials. Disturbance activities will be limited to the northern half (40 acres) of the existing 70 acre site.

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 of land.
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 or B, or with classification of C with a standard of (T) or (TS) are collectively referred to as “protected streams” and are subject to the stream protection provisions of the Protection of Waters regulations. The Coeymans Creek is classified as a C (TS) stream. The applicant should contact the NYSDEC Division of Environmental Permits to determine if additional permits will be required prior to commencing construction.
3. The Town should ensure that floodplain management zone requirements are met on site and that downstream impacts are considered due to the proposed site grade changes.
4. Notification to the NYS Thruway Authority for assessment of impacts to Thruway Lands.

Advisory: The Board advises the applicant to increase the setback between the proposed grading area and the Coeymans Creek to avoid impacts associated with consolidation of the floodway.

Yomika Bennet made a motion to accept staff opinion. Sean Maguire seconded the motion and it was unanimously approved by the board.

NEW BUSINESS

Bakary Janneh discussed the Albany County Equity Agenda with the board (attached is a letter from Daniel McCoy, County Executive).

Meeting adjourned at 4:40 p.m.

The next Albany County Planning Board meeting is on Thursday September 20, 2018 at 3:30 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186.