

**Albany County Planning Board
Meeting Minutes
February 15,2018**

Present:

Dominic Rigosu, Acting Chair, William Anslow, Yomika Bennett, Tim Garufi, Roland Graves, David Reilly, Enzo Sofia

Albany County Planning:

Michaela Sweeney

Minutes:

Janis Dunham Relyea

Guest:

Heather Wyld, CHA Consulting

A call to order:

Dominic Rigosu called the meeting to order at 3:31 pm.

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

Roland Graves made a motion to hear case 07-180202947 first. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #07-180101949

British American Plaza-Phase 1

British American Development Corporation

798 Albany Shaker Road, Latham

Site plan review for one (1) 3-story hotel with 106 rooms (48,000 s.f.) and one (1) 3-story office building (39,000 s.f.). ACPB reviewed this project in November and December 2017. Revisions include: a change in hotel height from 4 to 3 stories, 8 additional hotel rooms and the addition of 14,200 s.f. in office space.

Staff opinion is to modify local approval to include:

1. Review by Albany County DPW for design of highway access, assessment of road capacity and drainage for CR 151 and 157.
2. Approval by the Albany County Legislature for an emergency access road agreement across the right of way of CR 151.
3. Approval by Albany County DPW for design of emergency access of road.
4. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity for SR 155.
5. Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General for

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

6. Review by the Albany County DOH for temporary residence required permits.
7. There should be a shared driveway access agreement including a maintenance agreement referenced in the deeds for all involved properties.
8. 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 the prescribed Runway Approach Surfaces.

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

Heather Wyld addressed the board. Site plan revisions were discussed. They would like to begin construction in the fall of 2018. The hotel footprint is larger, there is now 3 floors rather than 4, but there are 8 more rooms. The square footage of the office has also been increased. Moving the location of the office building made is so they can use more of the building.

Roland Graves asked if the project will be done in phases. Yes, it will.

Dominic said it looks like there is more parking. Was there only one more space included in the plan? The last version of the plan had shared parking for the hotel and office, but now they are further apart. I'll double check this.

Dominic suggested the spaces will be banked until they are needed.

Emergency access is no longer necessary but the developer would still like to pursue the access.

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

GML 239 CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Roland Graves made a motion to consider the 6 cases recommended for defer to local consideration. The motion was seconded by Yomika Bennett and approved by the board. Enzo Sofia recused himself from Case #17-18022948.

Case #07-180202933

Ted Delucia, Vision Planning Consultants (agent for Dennis and Deb Kilcullen)
809 8th Street, Town of Colonie

Area and use variances for the construction of a 4,200 s.f. 2 family dwelling on a corner lot adjacent to the Watervliet Arsenal complex. The 10' front yard setback is not compliant with the required 30' minimum setback, and a two family dwelling is not a permitted use in a Single Family Residential (SFR) Zoning District.

Advisory Note: The Town Zoning Board should consider the precedent that will be set for surrounding properties to make similar area and use variance requests.

Case #04-180202934

Wendy's Restaurant

Hudwen, LLC (Keith Kas)

261 Route 9W, Glenmont

Request for additional wall signs to be mounted on the proposed "blade" architectural elements above the existing parapet wall as shown on the eastern & western elevations of the building plans.

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

Case #10-180202940

Guilderland Towing

4503 Western Tpk., Guilderland

Special use permit request for a towing service operation and temporary storage of disabled vehicles.

Case #07-180202947

Christopher Richard

7 Williams Park, Town of Colonie

Proposed construction of a 28'x30' detached garage with a 5' rear yard setback, which is not compliant with the 25' minimum allowable rear yard setback in the SFR district.

Case #17-180202948

Watervliet Public Library Digital Monument Sign

City of Watervliet

Under authorization of Watervliet City Council Resolution No. 9425, exemption for the Watervliet Public Library from the requirements of Chapter 272 Zoning regarding the installation and placement of a digital monument sign on the Broadway side of the existing building.

Case #10-180202951

Cellco Partnership (D/B/A Verizon Wireless) Wireless Communication Facility

Special use permit for the installation of a replacement utility pole (43') with small cell antenna.

Advisory Note: The Albany County Planning Board recommends that notification of this application should be provided to any municipality in the effective service area of the proposed facility in order to facilitate intermunicipal coordination and potential co-location coordination and potential co-location of future telecommunications facilities.

GML 239 CASES RECOMMENED FOR MODIFICATION

Case #08-180202935

Warehouse Facility Subdivision

Maraco Associates LLC

124 Lincoln Avenue (adjacent to CSX tracks)

Village of Colonie

Request to subdivide a land parcel into 3 lots. Lot #1 and Lot #2 will each include the construction of two new warehouse facilities. Lot #3 will remain as the existing Colonie Block and Supply Company. A shared access driveway will be constructed across Lot 1.

Staff opinion is to modify local approval to include:

1. A notification of the subdivision review application should be sent to the Town of Guilderland and City of Albany.
2. Review by the Albany Pine Bush Commission. Any comments by the Albany Pine Bush Commission should be considered due to the property's proximity to the Preserve boundary.
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.
4. There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties.

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

Case #08-180202936

Rosetti Development Companies

1770 Central Avenue, Village of Colonie

Site plan review for the construction of a Starbucks Café (2,000 s.f.) with a drive thru in the existing commercial plaza at 1770 Central Avenue

Staff opinion is to modify local approval to include:

1. Review by Albany County DOH for food service and other required permits.
2. Stormwater management planning and permits will need to be coordinated with the larger shopping plaza and development approvals. Contact the Village of Colonie stormwater management officer for review and approval changes.
3. A notification of the application should be sent to the adjacent Town of Colonie.
4. Review by NYSDOT design of highway access with the construction of a drive-through.

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

Case 07-180202937

Pottery Studio-Brian Jones

347 Loudon Road, Latham

Use variance request for a proposed pottery studio (level II home occupation) to occupy an existing detached garage at a single-family residence. The business conducts most business online but would like to host occasional open houses and studio sales.

Staff opinion is to modify local approval to include:

1. A notification of the use variance application should be sent to the Village of Menands.

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

Case #16-180202938

Out of the Park Softball Training Center

1 Country Side Lane, Voorheesville

Request for a special use permit to open and operate an indoor softball training facility in a 3,500 s.f. former warehouse.

Staff opinion is to modify local approval to include:

1. A notification of the application should be sent to the Town of New Scotland.

Advisory Note: “1 Country Side Lane” appears on Google Maps and the County GIS View as the driveway leading to Atlas Copco Campus. The proposed site is located on the other side of the railroad tracks on School Road. Clarify and correct the facility’s address. Notify local emergency services of address and location.

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

Case #07-180202939

2220 Central Ave, Town of Colonie

Area variance for the proposed construction of an 8,100 sq. ft. building in a Commercial Office Residential (COR) zoning district, with a 20' side yard setback that does not meet the minimum 25' setback. Proposed uses include office, retail, restaurant, or bank. A parking lot will be constructed with entrances on Kendale Ave. and Canton St.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for food service and other required permits if the final plans will include a food service establishment.
2. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
3. 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.

Advisory: The Town Zoning Board should consider the precedent-setting nature of allowing area variances for setbacks in the COR district.

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

Case #03-180202941

Town of Berne Small Scale Solar Energy Law

Town Wide

Adoption of Local Law No. 1 for 2018: Town of Berne Small Scale Solar Energy Law.

Staff opinion is to modify local approval to include:

1. Notification of the law should be sent to all adjacent municipalities due to the fact that the construction and operation of small scale solar PV systems will be allowed in zoning districts that abut municipal boundaries.

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

Case #18-180202942

Westerlo Community Solar Project

77 County Route 405, Westerlo

Special use permit request to construct and operate a new photovoltaic (PV) community solar array (~1.98 MWac/ ~2.63 MWdc) on 11.2 acres of open fields. Each cluster of approximately 18 panels will be between 15'-20' high. Only 0.6 acres of ground disturbance will occur during construction, which includes minor grading, trenching, and pads. A chain link fence and silt fences will be installed around the project area.

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 (parcel ID 175.-2-22.10, Leonard DeGiovine).
2. Review by the Albany County DPW for design of highway access, assessment of road capacity, and drainage to CR 405. The applicant will be required to produce a drainage study and report to evaluate the pre and post development conditions of the site, and must meet Albany County standards.
3. Notify NYSDOT for review of drainage to SR 32.
4. Consult with the local fire department when reviewing the site plan for the project to ensure proper siting of the utility from a fire protection standpoint and to ensure proper training and response procedures are in place. Require that 24 hour emergency contact information is clearly posted on the site for emergency responders to communicate with a licensed individual to safely turn off all power on site.

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

Case #04-180202943

Keystone Builders Office & Apartments

822-830 Delaware Ave, Delmar

Site plan review for construction of a mixed use, 2 story-building totaling 3,750 s.f. including 5 apartments and an office space (624 s.f.) for Keystone Builders. The site will have two-way access from Delaware Ave, plus parking for 12 vehicles and a dumpster enclosure.

Staff opinion is to modify local approval to include:

1. Review by NYSDOT for design of curb cut and highway access, drainage and assessment of road capacity due to the change in property use.
2. The town stormwater management office should review the project drainage practices are used to control additional runoff from impervious surfaces.

Advisory: 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 applicant proposes that 0.95 acres of land will be physically disturbed during construction. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should land disturbances exceed one acre, including submission of a Notice of Intent filed with the New York State Department of Environmental Conservation (NYS DEC) affirming that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and is being implemented, or submission of a SWPPP that is consistent with the requirements included in the NYS DEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015). 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.

The town should also inform the applicant that stormwater permit coverage and a SWPPP will be required if multiple separate and distinct construction activities are occurring, or will occur, under one plan during future development or sale of property in the contiguous area.

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

Case #04-180202944

Antonio Catalano, Sr.

194 River Road, Bethlehem

Revised area variance application and site plan for a gas station and convenience store. The applicant has submitted a revised setback variance request with a kiosk relocated under the gas pump canopy, per the Town of Bethlehem Board's request. Front and rear setbacks variances are still requested for the gas pump canopy.

*ACPB reviewed this project in March of 2015 and received revised applications in March and September of 2017 (no action).

Staff opinion is to modify local approval to include:

1. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
2. Review by NYSDOT for design of highway access, drainage and assessment of road capacity.
3. 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.

Advisory Note: The Town Zoning Board should consider the precedent setting nature of allowing significant setback variances in the Rural Light Industrial zoning district.

The Town Zoning Board should consider the precedent-setting nature of allowing significant setback variances in the Rural Light Industrial zoning district.

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 applicant proposes that 0.98 acres of land will be physically disturbed during construction. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should land disturbances exceed one acre, including submission of a Notice of Intent filed with the New York State Department of Environmental Conservation (NYS DEC) affirming that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and is being implemented, or submission of a SWPPP that is consistent with the requirements included in the NYS DEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015). 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 NYHS 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.

The Albany County Planning Board found the site plan map to be unacceptable for review purposes. 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, landscape architect, engineer, or land surveyor.

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

Case #04-180202945

Jess Bohl

107 Creble Road, Bethlehem

Division of an agricultural parcel into 2 lots. One will remain agricultural and the other is intended for future small commercial use. No construction is proposed at this time.

Staff opinion is to modify local approval to include:

1. Update the submission of an agricultural data statement to the Town with inclusion of parcel #121.00-1-20 (Locust View Apartments DRE LL), as required by Town/Village 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.

2. There should be a shared access easement (including a maintenance agreement) referenced in the deeds for both properties for the shared gravel driveway that crosses the lands of Niagara Mohawk Power Corporation to Proposed Lot No. 2.
3. Future site plans for the development of either Lot 1 or Lot 2 will require review by Albany County Department of Public Works for design of highway access, curbcuts, drainage, and assessment of road capacity to County Route 55 (Creble Rd.)

Advisory: The Albany County Planning Board found the site plan map to be unacceptable for review purposes. 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, landscape architect, engineer, or land surveyor.

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

Case #03-180202950

John Wright Use Variance Application

555 Helderberg Trail, East Berne

Use variance request to locate an automotive repair business.

Staff opinion is to disapprove without prejudice.

The ACPB disapproves the request for a use variance for the following reasons:

1. The proposed use is nonconforming in a RAF district bordering an MDR district, and is not compatible with surrounding land uses.
2. The proposed site plan is not in compliance with the town's zoning requirements for density and parking lot size and design.
3. The property is part of an agricultural district, as defined in NYS Agricultural Districts Law Article 25aa. Additionally, submission of an agricultural data statement to the Town/Village is required by Town/Village Law for a site plan, special use permit, use variance, and subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.
4. There are significant concerns for stormwater runoff, drainage, and flooding associated with the proposed use and design of the property and proximity of the Cobleskill Creek along western boundary of the property.

Advisory: The Albany County Planning Board found the site plan map to be unacceptable for review purposes. 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, landscape architect, engineer or land surveyor.

Case #10-180202952

Greg Davis

5670 Depot Road, Guilderland

Special use permit request to operate a towing a facility.

Staff opinion is to modify local approval to include:

1. Submission of an agricultural data statement to the Town/Village as required by Town/Village I for site plan, special use permit, use variance, and subdivision approval of sites within 500 feet a farm operation located in an agricultural district.
2. Depending on the size of the proposed steel fuel oil tank, review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.

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

Case # 10-180202953

Miron Holdings LLC

60 & 62 Railroad Avenue, Town of Guilderland

Special use permit for the redevelopment of the former Miron Lumber site. The applicant proposes construction if a 65,000 s.f. warehouse/office, new parking areas, concrete sidewalks, asphalt driveways and delivery loading docks. The existing buildings will be demolished. The proposed project is located on two parcels, which will be merged into one with a lot line adjustment.

Staff opinion is to modify local approval to include:

1. Notification of the special use permit should be sent to all adjacent municipalities (City of Albany and Town of Colonie).
2. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared is being implemented or submission of a Stormwater Pollution Prevention Plan that is consistent with the requirements 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.

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

Case #10-180202954

Michael Coles

3555 East Lydius Street, Town of Guilderland

Subdivision review to develop two parcels with single family residences. THE overall subdivision will consist of 3 separate parcels; one is currently developed with a single family residence and is not considered part of the project.

Staff opinion is to modify local approval to include:

1. Review by the Albany Pine Bush Commission. Any comments by the Albany Pine Bush Commission should be considered due to the property's location next to the boundary of the Preserve's study area.
2. Review by the NYS Thruway Authority for assessment of impacts to Thruway lands.
3. The town should request more information about the on-site drainage easement and off-site drainage flow before issuing an MS4 SWPPP Acceptance form and approving the subdivision.

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

Meeting adjourned at 4:43 p.m.

The next Albany County Planning Board meeting is at 3:30 p.m. on Thursday, March 15, 2018 at the Albany County DPW at 449 New Salem Road, Voorheesville, NY 12186.