

**Approved Minutes  
Albany County Planning Board  
June 21, 2018**

**Present:**

Dominic Rigosu, Acting Chair, Roland Graves, Yomika Bennett, Sean Maguire, Enzo Sofia, Bill Anslow

**Albany County Planning:**

Michaela Sweeney

**Minutes:**

Janis Dunham Relyea

**Guests:**

Rob Gunther, Albany County Stormwater Program Technician

Jim Crouch

Kyle Smith

April Richardson Moore

John Lance Moore

Dan Szesnat

**A call to order:**

Dominic Rigosu called the meeting to order at 2:36 p.m.

Sean Maguire made a motion to hear case #04-180603054 first. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #04-180603054**

SABIC Innovative Plastics US LLC

1 Noryl Avenue, Selkirk

Site plan review for a 10,000 s.f. office addition to an existing office structure, 2,500 s.f. manufacturing space addition and removal of an old warehouse to add a new 10,000 s.f. warehouse.

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.

Jim Crouch and Kyle Smith addressed the board. Stated that an agricultural data statement was recently submitted to the Town of Bethlehem. Minor changes have been made to the site; the proposed office addition size has been reduced from 10,000 s.f. to 8,000 s.f. and the proposed warehouse size has been reduced from 10,000 s.f. to 8,100 s.f.

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

Roland Graves made a motion to hear case #16-180603053 second. The motion was seconded by Sean Maguire and unanimously approved by the board.

**Case #16-180603053**

Village of Voorheesville Comprehensive Plan  
Village-wide

Adoption of the Village of Voorheesville Comprehensive Plan Draft.

April Richardson Moore and John Lance Moore addressed the board regarding the proposed conceptual zoning along Voorheesville Avenue, Drywall Lane and Grove Street. They reside at 76, 78 and 80 Voorheesville Avenue. The conceptual zoning map in the Comprehensive Plan proposes rezoning a portion of the current Industrial district to Business. Concerns include setbacks, noise, traffic and loss of special use permit review. April provided the board with a copy of the Village's 1986 zoning map and photos of adjacent properties.

Prior to the meeting April and Lance submitted a petition signed by 27 residents on Voorheesville Avenue opposing the change in zoning.

Michaela Sweeney said that the zoning proposed in the plan is conceptual. Further opportunity to comment on zoning will be provided when the Village commences a zoning code update. The plan addresses the future changes to the zoning and lists limiting nuisances between abutting residential and non-residential use districts as a strategy. Design standards for all use districts are also addressed for future zoning amendments.

Dominic Rigosu said that this does not pose a county-wide / regional impact, which is what the County Planning Board bases its decisions on.

Bill Anslow said they do plan to put sidewalks on the road.

Staff opinion is to modify local approval to include:

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

**Advisory Notes:**

1. The following recommendation from page 45 of the plan should also be applied to sections of the zoning outlining requirements for use and area variances, subdivisions and other land use actions identified in General Municipal Law 239, sections m and n.
2. The Albany County Planning Board received public comments from Voorheesville residents with regards to the proposed conceptual zoning changes for parcels along Voorheesville Ave., Drywall Lane, and Grove St. from Industrial to Business. The Board advises the Village to address these concerns before adopting the Comprehensive Plan.

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

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

Roland Graves made a motion to move the **16** cases recommended for defer to local consideration to the front of the agenda and hear as is. The motion was seconded by Yomika Bennett and unanimously approved by the board.

**Case #07-180603039**

Feiden Storage Special Use Permit

190 Old Loudon Road, Town of Colonie

Construction of a new 4,000 s.f. warehouse to extend the capacity of an existing concrete block/metal warehouse on the project site.

**Advisory Note:** The Zoning Board of Appeals should request the applicant to indicate where the site's primary ingress and egress will be located. Access from a State Highway, as indicated on the Special Use Permit application, will require review by the NYSDOT for design of access. Should any access be proposed through an adjacent property, an access and maintenance agreement should be included in the deeds for all involved properties.

**Case #07-180603040**

Feiden Storage Shed Variance

190 Old Loudon Road, Town of Colonie

Side yard variance for a proposed 4,000 s.f. warehouse, which does not comply with the minimum 10/25' side yard setbacks required in the COR Zoning District.

**Case #07-180603041**

Verizon Wireless Service Facility

679 Troy Schenectady Road, Town of Colonie

Special use permit to install a public utility/personal wireless facility.

**Case #14-180603044**

Misuraca Garage Variance

2212 US Route 9W, Ravena

Request for a 5 foot side yard variance for a two-car detached garage, which does not meet the 10 foot side yard setback requirement. The variance is needed in order for the planned garage to comply with the fire code.

**Case #05-180603045**

Stanton Variance

130 Biers Road, Coeymans

28 foot side lot variance request for placement of a 48'x36' garage, which does not comply with the 30' sideline setback in the RA district. The variance is requested due to topographic restrictions.

**Case #13-180603046**

Klapp Lot Line Adjustment

18 Tractor Path, Voorheesville

Lot line adjustment between two parcels with the same owner to accommodate solar panel installation on the same lot of the building that they will serve.

\*ACPB reviewed the site plan for the panels in March 2018.

**Case #13-180603050**

Jackson Two-Lot Subdivision

18 Country Lane, Voorheesville

Subdivision of 2 parcels. The parcel fronting New Salem Road is vacant and will be sold. The single-family dwelling at the rear of the original parcel will remain.

**Advisory:** Any future plans for access for New Salem Road (SR 85A) to Lot 2 will require review and permits by NYSDOT for design of highway access.

**Case #04-180603052**

Haridin Accessory Apartment

628/628A Kenwood Avenue, Delmar

Site plan and special use permit to legalize an existing accessory basement apartment, include a separate access to the unit, and provide four parking spaces and one garage space.

**Case #04-180603055**

Denney Land Division

57/61 Beaver Dam Road, Town of Bethlehem

Request to divide a parcel with two existing residences into two lots. Each residence has its own address, septic system and water service.

**Advisory Note:** A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties if the driveway is to remain connected and used by the owners/tenants both parcels.

**Case #17-180603056**

Konicek & Collett Funeral Home Addition and Site Plan Review

1855 12<sup>th</sup> Avenue, Watervliet

Site plan review for a 12'x24' addition to an existing funeral home for a new preparation area with handicap accessibility.

**Case #17-180603057**

Konicek & Collett Funeral Home Use Variance

1855 12<sup>th</sup> Avenue, Watervliet

Use variance for the expansion of a funeral home that is a pre-existing, nonconforming use.

**Case #04-18060359**

Elmwood Park Fire District Electronic Reader Board

589 Russell Road, Albany

Installation of an electronic reader board.

**Case #10-180603060**

Roman Jewels Sign

1717 Western Avenue, Albany

Installation of a new sign with flood lighting within 20 feet of the right of way. In the Local Business District, monument signs are required to be a minimum of 20 feet from the street right-of-way line.

**Case #10-180603061**

Albany Med EmUrgentCare Sign

5 New Karner Road, Guilderland

Variance to allow four signs where two are allowed and for square footage to exceed 50 s.f.

**Case #01-180603065**

43 First Street Conditional Use Permit, Albany

Conditional use permit to convert a two-family residential dwelling to a three-family residential dwelling. The basement will be converted into an apartment.

**Case #01-180603066**

Castle Island Bilingual Montessori

160 Central Avenue, Albany

Conditional use permit for Castle Island Bilingual Montessori to operate as an independent, private school for children ages 3 to 12 at 160 Central Avenue.

**GML 239 CASES RECOMMENDED FOR MODIFICATION**

**Case #01-180603037**

Kasselman Electric/ 881 South Pearl Street

13 Binghamton Street, Albany

Site plan review for a 7,155 s.f. office building with an attached 25,000 s.f. warehouse. An additional 25,000 s.f. warehouse will be constructed during a later phase. At full build-out, the site will include 111 surface parking spaces, including 6 handicap spaces.

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to the adjacent Town of Bethlehem, including all required notices pursuant to GML 239-nn.
2. Review by the NYSDOT for design of highway access to SR32 and drainage.
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. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits due to the extension of sewer and water line.

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

**Case #07-180603038**

Panera Bread Drive-thru Addition

601 Troy Schenectady Road, Latham Farms Shopping Plaza (former Pizzeria Uno), Latham  
Site plan review for the relocation of Panera Bread to a 6,500 s.f. self-standing building on the same parcel, including the addition of a drive-thru lane and site improvements.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for food service, 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 #01-180603042**

Clinton Avenue Community Residence

102-124 Clinton Avenue, Albany

Site plan review for a three-story, 25,193 s.f. multi-family apartment building owned by Rehabilitation Support Services, Inc. Off-street parking will be provided for 6 cars, including 1 handicapped space. A lot consolidation will be required to merge to parcels on Clinton Avenue into a single lot to be known as 104 Clinton Avenue.

Staff opinion is to modify local approval to include:

1. Review and permits by the NYSDOT for design of new highway access to US Route 9.
2. Notification of the application should be sent to the NYS Office of General Services and NY Power Authority due to the site's proximity to the proposed Empire State Plaza Combined Heat and Power Microgrid Project at 91 Sheridan Ave.

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

**Case #13-180603047**

Horse Boarding and Riding Stable

82 Clipp Road, Delmar

Special use permit for the construction of a 70' x 136' building for boarding horses and providing lessons and training. The building will include an 11 stall barn and a 70' x 100' indoor riding arena.

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.

**Advisory:** The applicant should develop an equine fire emergency plan in coordination with the local fire department.

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

**Case #13-180603048**

Ingrid Arlt Pond

427 Bullock Road, Slingerlands

Special use permit to dig an 80'x240' pond on an existing field south/southeast portion of a 7 acre property.

Staff opinion is to disapprove without prejudice.

The Albany County Planning Board found the application, site plan map and grading plan unacceptable for review purposes. More information should be requested from the applicant before the Town's Planning Board approves the site plan and grants special use permit for the proposed pond. The Albany County Planning Board advises the following measures:

1. Pond construction or establishing structures to obtain a water source may require a permit from the NYSDEC. To determine if construction activities will require a permit, contact the Regional Permit Administrator responsible for the area in which the pond will be located. A list of Regional Permit Administrators can be found at <https://www.dec.ny.gov/about/39381.html>. Construction should not be started without obtaining all necessary permits.
2. In order to construct a pond properly, technical assistance is necessary for siting and design. If a pond is being created by constructing a dam, the applicant will need to hire a licensed professional engineer. Some assistance may be available through the USDA Natural Resource Conservation Service, the county Soil and Water Conservation Service, and the county Cornell Cooperation Extension offices. Please contact them for more information and for the names of consultants in your area that can help with the design and siting of a pond. (Source: NYS DEC. More information is available at <https://www.dec.ny.gov/permits/6321.html>).
3. The applicant will be required to file 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 SWPPP 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 of land.
4. The applicant is required to submit 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.
5. The Planning Board should require the applicant demonstrate that no significant drainage impacts will result from construction of the pond to adjacent properties.

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

**Case #13-18060603049**

Apex Solar Power

72 Koonz Road, Voorheesville

Special use permit to install a ground mounted, 8.4 KW solar PV array.

Staff opinion is to modify local approval to include:

1. Notification to NYSDEC due to the proximity of the parcel to the Black Creek Marsh Wildlife Management Area.

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

**Case #13-180603051**

Wilber and Irving Subdivision  
21 Decocco Drive, Town of New Scotland  
Request to merge two adjoining lots with the same owner.

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.
2. Notification of the application should be sent to the Town of Coeymans, including all required notices pursuant to GML 239-nn.

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

**Case #04-180603058**

Monolith Solar/Del Lanes  
4 Bethlehem Court, Delmar  
Use variance to construct a 200 KW roof top solar system at Del Lanes bowling alley.

Staff opinion is to modify local approval to include:

1. Notification to the NYS Justice Center due to the proximity of the parcel to the facility at 161 Delaware Avenue, Delmar.

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

**Case #10-180603062**

2831 Curry Road Solar Garden  
Town of Guilderland  
Special use permit to install a 600 KW solar garden.

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML 239-nn.



2. Review by the Albany County Pine Bush Commission. Any comments by the Albany Pine Bush Commission should be considered due to the property's proximity to the Preserve boundary.

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

**New Business:**

Bill Anslow introduced Albany County DPW's new Stormwater Program Technician, Robert Gunther, to the board.

Sean Maguire announced that Albany County Local Law N has been introduced to amend Section 1101 of the Albany County Charter to remove professional qualifications for the Albany County Director of Economic Development, Conservation and Planning position.

New by-laws were written and reviewed in 2016 but were never adopted. The by-laws were updated to clarify procedures and organization of the Planning Board. The Board discussed the proposed by-laws, made revisions and the by-laws were adopted (attached to meeting minutes). A request for legislative action will be submitted for approval of the by-laws by the Albany County Legislature.

Meeting adjourned at 3:59 p.m.

The Albany County Planning Board will meet again on Thursday, July 19<sup>th</sup> at 3:30 p.m. at Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186.

**By-Laws of the Albany County Planning Board**  
**Adopted 6/21/2018**

**Article I Introduction/Purpose:**

The Albany County Planning Board, herein after referred to as the Board, is established pursuant to the Albany County Charter Article 11 Section 1103 to advise, upon request, and to make recommendations when deemed appropriate to the Legislature regarding such matters related to comprehensive metropolitan, regional, county, and municipal planning, and perform the duties and responsibilities conferred upon a County Planning Board by Article 12-B of the General Municipal Law of New York State.

**Article II Officers and Duties:**

Section 1. Officers of the Board shall consist of a Chairperson and a Vice Chairperson.

Section 2. The Chairperson shall preside at all meetings and shall have special duties as prescribed herein, and shall have the authority to preside at any adjourned meetings or call and preside at any special meetings.

Section 3. The Vice Chairperson, in the absence of the Chairperson, shall preside at all regular meetings, adjourned meetings, and special meetings of the Board.

Section 4. The Secretary shall be selected by the Board and will have no voting privileges. The Secretary shall keep a written record of all business transacted by the Board, give notice to all members of all meetings, keep on file all official records of the Board, certify maps, records and reports of the Board, and serve notice of all public meetings.

Section 5. The Officers of the Board shall be elected by the appointed board members.

**Article III Membership:**

Section 1. Membership of the Board is established by Albany County Charter Article 11 Section 1103. The Board is composed of eight members; five persons who shall be appointed by the County Legislature; three of the eight members are ex-officio members or their designees as established in the County Charter, including the Commissioner of the Department of Public Works, the County Comptroller, and the Commissioner of the Department of Management and Budget.

Section 2. The ex-officio members or their designees may participate in the deliberations of the Board but shall not have voting privileges as per New York State General Municipal Law §239-c (2)(b).

Section 3. Board members must reside within the boundaries of Albany County, pursuant to the residency requirement established by New York State Public Officers Law Article 2 Section 3.

Section 4. Upon recommendation of the Board and a vote of the Albany County Legislature, a board member may be removed for:

- unlawful conflict of interest;
- violation of rules;
- inability to carry out duties;
- inappropriate actions or behavior;
- absence from fifty (50%) percent or more of meetings within a calendar year; or
- failure to meet the mandatory training requirements.

#### **Article IV Attendance:**

Section 1. Voting members are expected to attend all meetings of the Board. Absences caused by illness, extreme weather conditions, or by personal matters of importance are excusable.

Section 2. Voting members who cannot attend meetings of the Board for an extended period of time due to work or personal circumstances must request a leave of absence in writing that must be approved by a majority of Board members.

Section 3. Removal of a member may be considered if a Board member misses one-half (50%) or more of the regularly scheduled meetings in one year that are unexcused. The member shall be removed in accordance with Article III above.

#### **Article V Vacancies:**

Section 1. Should any vacancy occur among members of the Board by reason of death, resignation, disability, or otherwise, the Secretary shall provide prompt notice to the County Legislature. Should a vacancy occur among the officers of the Board, an officer shall be appointed by the Board.

Section 2. The Board may recommend a person(s) to the County Legislature for considerations for appointment to a vacancy on the Planning Board. If such recommendations are made on behalf of the Board, they shall be only after an affirmative vote thereon. This section does not prohibit individual members of the Board from making individual recommendations to the County Legislature to fill vacancies.

Section 3. Pursuant to New York State General Municipal Law §239-c (2)(b), the Board should recommend members to the County Legislature for appointment to the Board who

represent a cross section of interests within the county. Consideration should also be given to securing representation by population size, geographic location, and type of municipality.

#### **Article VI Required Training:**

Section 1. Board members are required to receive 4 hours of training each year as per New York State General Municipal Law Article §239-c (2)(d). Approved training providers are identified in Albany County Resolution #140 of 2007 or its replacement. The Secretary shall keep a record of the training received for each member of the Board.

#### **Article VII Meetings:**

Section 1. The Board shall meet regularly on the third Thursday of every month or at such other time designated in the meeting notice. The time, date and place of the meeting shall be confirmed at the meeting immediately preceding. Any regular meeting may be adjourned to a definite date by a majority vote of a quorum of members.

Section 2. The Chairperson shall have the authority to reschedule a regular meeting due to a lack of quorum or call special meetings as needed. The Chairperson shall also be empowered to cancel a meeting of the Board.

Section 3. The Secretary shall cause each member to be notified of the place and date of each meeting in accordance with New York State Open Meetings Law (Public Officers Law, Article 7).

Section 4. All regular meetings, regular adjourned meetings, and special meetings shall be open to the public. All meeting procedures shall be in accordance with New York State Open Meetings Law (Public Officers Law, Article 7 §103).

Section 5. An executive session may be called upon an affirmative vote of at least three members taken in an open meeting pursuant to a motion identifying the general areas of the subject to be considered. Purposes for holding an executive meeting shall be in accordance with New York State Open Meetings Law (Public Officers Law, Article 7 §105).

Section 6. Except where provided for in these By-Laws of the Board, procedure in Board meetings shall be governed by general parliamentary procedure.

#### **Article VIII Order of Business:**

Section 1. The order of business for a regular meeting shall be:

1. Call to Order
2. Attendance
3. Minutes
4. Referrals from:
  - a. Municipalities, pursuant to New York State General Municipal Law §239-l,m,n
  - b. County Executive
  - c. County Legislature
5. Unfinished business
6. New business
7. Miscellaneous
8. Adjournment

#### **Article IX Quorum:**

Section 1. For the transaction of ordinary routine business at any regular, adjourned meeting, or special meeting, three voting members shall constitute a quorum and at least three affirmative votes shall be necessary to decide any question.

#### **Article X Agenda and Minutes:**

Section 1. The Board shall keep an agenda and set of minutes of all meetings and these minutes shall become public record in accordance with New York State Open Meetings Law (Public Officers Law, Article 7 §106).

Section 2. The Secretary shall prepare the proposed agenda and minutes for all meetings of the Board.

#### **Article XI Annual Report:**

Section 1. The Board shall submit an annual report to the County Legislature documenting the number of referrals under New York State General Municipal Law for the year and any other information that was requested by the legislature. The Secretary shall prepare the annual report on behalf of the Board.

Section 2. The Board shall also document in its report the training received by members which satisfies the Annual Training Requirement as defined by New York State General Municipal Law §239-c (2)(d).

## **Article XII Compensation:**

Section 1. The Board members shall not receive any salary or compensation, but may be reimbursed for authorized, actual, and necessary travel and expenditures that are pre-approved by the Secretary, as per New York State General Municipal Law §239-c (2)(e).

Section 2. Any reimbursements must be authorized in advance by the county department responsible for the Board's budget. Expenses incurred without prior authorization may not be reimbursed to the Board member.

## **Article XIII Conflicts of Interest and Recusals**

Section 1. The members of the Board shall be subject to the Code of Ethics and Financial Disclosure Law of the County of Albany (Local Law No. 8 for 2008) or its replacement.

## **Article XIV Changes in By-Laws:**

Section 1. The rules may be changed or added to by the affirmative vote of a supermajority of the Board. No change in or addition to these rules shall be made unless notice in writing shall be filed with the Secretary at the meeting preceding the meeting at which the motion to change is to be made. The notice shall state explicitly what change is to be proposed, and the Secretary shall cause a notice to be sent to each member at least 7 days prior to the date of the next meeting indicating the exact wording of the proposed motion.

## **Article XV Enactment:**

Section 1. Pursuant to New York State General Municipal Law §239-c (2)(g), and as amended, the Albany County Planning Board shall adopt these By-Laws governing its operation, which shall be approved by the county legislative body and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

Section 2. These By-Laws shall supersede any and all by-laws previously adopted by this Board. These By-Laws were reviewed by the Board at their meeting of June 21, 2018 and approved by a vote of 5-0 at their meeting of June 21, 2018.