

**Albany County Planning Board
March 15, 2018
Approved Minutes**

Present:

Dominic Rigosu, Acting Chair, Roland Graves, Yomika Bennett, Sean Maguire, Tim Garufi, David Reilly, Bill Anslow

Albany County Planning:

Michaela Sweeney

Minutes:

Janis Dunham Relyea

Guests:

Nicole Brower
Michael Varno
Jody Santiago
Andrew Leja
Kevin Doherty
Neal Brady
George Tittardo
Jared King

A call to order:

Dominic Rigosu called the meeting to order at 3:30 p.m.

Yomika Bennett made a motion to accept the meeting minutes from the February meeting. Roland Graves seconded the motion and it was unanimously approved by the board.

GML 239 CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Sean Maguire made a motion to consider the **3** cases recommended for defer to local consideration. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #07-180302955

Town of Colonie
Town Wide
Town of Colonie Local Law amending Chapter 190 of the Town Code (Home Occupation Update).

Case #18-180302963

Walter Hickey Minor Subdivision
Walter Hickey
708 County Route 405
Subdivision of 155.5 acres. Lot #1 will be 68.3 acres and Lot #2 will be 87.2 acres.

Case #13-180302974

Olsen Monument Sign
James and Robin Olsen
1944 New Scotland Road, Slingerlands
Special use permit for a back-lit monument sign (non-scrolling/non-digital).

GML 239 CASES RECOMMENDED FOR MODIFICATION

Sean Maguire made a motion to move case #04-180302964 to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #04-180302964

Quality Holdings, LLC
224 Delaware Ave
Town of Bethlehem

Site plan review for two (2), 2-story apartment buildings with 14 units in the Commercial Hamlet Zone on 1.2 acres. The rear building will include 6 units (4,100 s.f.) and the front building will include 8 units (3,556 s.f.). There is an existing structure with 3 units on the property that will be demolished. ACPB reviewed this case in October 2016 and July 2017. Major changes to the site plan include:

1. Rear building: reduced footprint from 90' long by 62' deep to 82.5 long by 50' deep; inset second floor and rear porches; decrease from 10 to 6 apartment units; new front entrances (originally on the sides); greater side-yard buffer (24' to 33'); and increased setback (44' to 54').
2. Front building (closest to Delaware Ave.): remains the same in size, but has been changed from 4 townhouse style apartments to 8 regular apartments.
3. The slope at the rear of the property was flattened out to blend more into the rear yard.

Staff opinion is to modify local approval to include:

1. 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.
2. The NYS DOT should review the proposed curb-cut design, which currently does not comply with NYS DOT standards. All work within the State Route 443 right-of-way will require a permit from NYS DOT.
3. The site plans should be updated to conform to all requirements for fire apparatus access roads identified in Appendix D, Section D103 of the 2015 International Fire Code of NYS. The minimum road width for a fire apparatus access road with a fire hydrant shall be 26 feet, exclusive of shoulders.
4. The Town Planning Board should condition approval of the site plan with final review by the Elsmere Fire District and the Town Building Inspector to certify that all safety and emergency access concerns have been addressed, and to ensure that the site plans meet the 2015 International Fire Code of NYS requirements.

Advisory:

1. The site plan proposes 28 parking spaces, where 21 spaces are required for 14 dwelling units (1.5 spaces/dwelling unit). The Town Planning Board should determine if all the parking spaces are needed for the proposed uses, and if not, banked parking should be encouraged.

2. The Town Planning Board should encourage the applicant to increase greenspace to reduce stormwater runoff, which could be achieved by reducing the number of proposed parking spaces.
3. Snow storage areas should be sited and designed: i.e., swales, depressions with yard drains to divert water to the detention pond to minimize pollutants and runoff impacts to the adjacent residential sites. The applicant should consult with the town's stormwater management officer for additional recommendations for locating and designing snow storage areas.
4. The Town should consider enforcing snow removal on the property by imposing fines should the property owner fail to remove snow in excess of 4 inches, as proposed. Snow accumulation in excess of 4 inches poses serious public safety concerns and emergency access barriers.
5. The plan should be reviewed by the Albany County Fire Coordinator's Office for additional comments on response time and emergency vehicle access.
6. The Town Planning Board 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 .95 acres of land will be physically disturbed during the construction. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should land disturbances exceed one acre, including 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 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 remedial action.
7. A limit line of the proposed ground disturbances associated with construction should be indicated on the site plan map.
8. The Town Planning Board may want to consider the cumulative impacts to traffic on State Route 443 and stormwater drainage from all of the recently proposed projects in the corridor. While infill development may be desirable, piecemeal project proposals need to be balanced with overall impacts of proposed developments in this corridor in relation to the proposed road diet for Delaware Avenue.
9. The Town Planning Board should further consider the appropriateness of the proposed development's density relative to the lot's size and key-hole shape, as well as its compatibility with the density of surrounding land uses.
10. In the event that human remains and/or a cemetery are discovered, the applicant should report their findings to the Albany County Department of Health and NYS Historic Preservation Office.

Dominic Rigosu reviewed the Albany County Planning Board's role in planning before guests addressed the board.

Andrew Leja addressed the board; he is an attorney representing the neighbors. Mr. Leja sent a letter addressing the concerns of neighbors; excessive number of units, too large for the space and seems to have fallen through a loophole. Current zoning allows for 8 units per acre and this project has 14 units. The developer reduced the rear building impervious surface, but it is still the same size; rearrangement of units, but still the same number; snow storage issues; the petroleum pipe, to which there is physical evidence; possible cemetery; stormwater concerns; fire/emergency access is inadequate; single entry/exit; delays on Delaware Avenue.

Jared King addressed the board. Density issues with the towns zoning; traffic ingress/egress; fire truck access; the possible cemetery.

CEMT says there is a cemetery on this site, the Groesbeck family cemetery is up the road.

The apartments to the rear of the site are too close to the Core Residential Zone. The zoning map shows this parcel is carved out as “split zoned” – part was in the Core Residential Zone and the other half in the Hamlet Commercial Zone. In July 2016 the zoning map did not have this site included in the residential zone. And in 2016 before the zoning was updated there was an 8 unit density limit.

Neil Brady addressed the board. The applicant states the lot size is 1.2 acres, but the actual lot is 1.05 acres because .15 acre is a utility easement, so technically it is 2 lots and there is no plan to use the utility easement for utilities.

Project analysis, no one seems to have an answer. Elsmere Elementary is at maximum capacity and there is another 1,200 home development proposed for the area.

The fire hydrant on Lincoln Avenue is often blocked by parked cars, cars block the Dunkin Donuts lot. The fire department may not bring trucks onto the 224 Delaware site because it would put their vehicles in the collapse zone. The front building is only 10 feet from the neighboring building and insurance companies require 20 feet. There are only 2 other 2 family homes in the neighborhood.

The road diet would cause traffic to back up to Euclid Ave. Also, lots of new subdivisions in the area and has concerns for impacts to the town’s sewer system.

Michael Varno addressed the board. Retired Albany City Fireman, speaking on behalf of the NYS Professional Fire Fighters Association. The city fire department has 3 minutes to get to a fire, volunteers have a 10 minute response time, which is increased during peak traffic. You have to think the unthinkable if there is a fire. If there is a fire at the site, where will the people go when evacuated? There is not enough space on the site in the event of an emergency. The average fire truck is 10 feet wide, there is only one fire hydrant and the width of the driveway prevents other emergency vehicles from exiting or entering the site if there is a truck there.

George Harder addressed the board. Please take note this is a flag lot and Bethlehem zoning only allows single family dwellings on flag lots.

Michaela Sweeney responded, the town claims this lot doesn’t meet flag lot by definition (it is a pre-existing, nonconforming lot). The zoning predates 2016.

Nicole Brower addressed the board. She is an engineer addressing the drainage. The developer needs to follow the NYS design manual if more than an acre is disturbed. They are short circuiting water that comes in and out of the pond before the stormwater runs into the system, however because of the short circuiting of the water the pond won’t be effective. The pond treats the water quality.

DOT should be concerned about the drainage; the neighborhood has flooded in the past. Snow storage is an issue, it currently flows to Lincoln Avenue. The snow needs to be removed, not stored. Concerns

about snow being pushed up against fences of neighboring properties. Code enforcement can't force them to remove it.

Barb Samuels addressed the board. Residential concerns are relevant. The town board is not responding directly to the concerns. The residents are not getting questions answered. How did the town adopt the zoning? We want smaller development. There are concerns with fire, underground water storage and flooding. This project is reminiscent of what happened on Whitehall Station in Albany, the project caused flooding to the neighborhood and roads.

Kevin Doherty addressed the board. He is working with the town on a project off of Rockefeller Road and the town doesn't seem to fall back on the laws, but uses them as a negotiation tool. The town is not looking at projects in a comprehensive manner. 400-500 units are planned within a quarter mile.

Andrew Leja addressed the board. The residents see 10 lbs. of flour going into a 5 lb. sack. Hoping the town will pay attention to their concerns.

Neil Brady addressed the board. There are protocols for the cemetery and they are not following the law and the town isn't enforcing the laws.

Board discussion:

Sean feels there are local and county concerns, public safety, water quality, drainage, the water has to go somewhere, possible cemetery, possible oil tanks, being .04 acres shy of needing to prepare a SWPPP. Does DOT have an issue with location and design of driveway, will trips generated have an effect on traffic?

No limit of disturbance line on the site plan.

The fire apparatus access road should be 26 feet wide, according to the fire code. Suggested adding advisory that the County Fire Coordinator's Office could offer recommendations on emergency response times and access concerns.

Dominic addressed that snow storage areas should be sited and designed, using swales and depressions with yard drains to divert water to the detention pond to minimize pollutants and runoff impacts to the adjacent residential sites. The Town should consider enforcing snow removal on the property by imposing fines if the owner fails to remove snow in excess of 4 inches.

Jared King addressed the board. He asked if he should reach out to the NYS Dept. of Cemetery. Sean stated that the challenge before them is that the cemetery is not registered, so until evidence is unearthed, there is no proof that it exists. The Albany County Department of Health should also be contacted if remains are found.

Dominic reviewed the Board's recommendations and advisories to address these concerns.

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

Case #18-180302956

Medusa Clean Energy Collective
626 County Route 351, Medusa

Site plan review and special use permit for an 8 acre solar farm. The project will involve the installation of ground mounted photovoltaic panels, an access road, electric utility upgrades and perimeter fencing.

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 Rensselaerville, including all required notices pursuant to GML 239-nn.
3. Review by Albany County DPW for design of highway access, assessment of road capacity and drainage to CR 351.
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 of all power on site.

Advisory: The town should consider if any landscaping for preservation of existing natural screening should remain to buffer adjacent residential properties.

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

Case #07-180302957

Hoffman Carwash

Variance request to install accessory vacuum structures in the front yard of a proposed Hoffman's Carwash facility. The vacuum structures are not permitted in a front yard in the Commercial Office Residential (COR) Zoning District.

Staff opinion is to modify local approval to include:

1. Review by the NYSDOT for comments on possible drainage impacts to Troy-Schenectady Road (State Route 7).
2. 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.
3. If a crane will be used during construction, 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.

Advisory: The town should consider the precedent that will be set for comparable properties in the COR zone to make similar area variance requests.

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

Case #06-180302958

Prime Properties

70 Delaware Avenue, Cohoes

Site Plan Review and area variances for mixed use development including two (2), 4-story apartment buildings totaling 98 units and a 4,000 s.f. retail building. The proposal includes 152 ancillary surface parking spaces. The site abuts the 50' easement line from the Hudson River reserved for a waterfront public access park.

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 by NYSDOT for comments on possible drainage impacts to State Route 470 (Ontario Street).
3. Review by NYSDEC for potential contamination, spills, or the presence of other harmful substances that may pose an impact to human health or safety.
4. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
5. Review by the local fire department for comments on the site plan design pertaining to emergency access and services.

Advisory Note:

The number of use and area variances granted should be kept to a minimum. The city's zoning and planning boards should either require the applicant to prove that the hardships are not self-created, or request that the applicant consider alternative site plan designs that better conform with the given parameters of the site and zoning requirements.

The waterfront public access easement should be referenced in the property deed.

The project site is located within 100 and 500 year floodplains. The Board has concerns for flooding and runoff that may result from lot coverage and green space variances. The City of Cohoes should ensure that the floodplain management zone requirements are met for new construction.

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

Case #04-180302959

Elsmere Fire District South Station

Feura Bush Road, Glenmont

Construction of a one story fire station (4,608 s.f.) on a 1.4 acre vacant property.

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 by the Albany County Department of Health for water supply, waste water discharge and other required permits.
3. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
4. 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 Roland Graves and unanimously approved by the board.

Case #01-180302960

The Case of Red Kap Sales

339-341 Southern Blvd, Albany

Construction of a 3,600 s.f. convenient store with a Dunkin Donuts (and drive-thru) and a 650 s.f. single vehicle car wash. An existing structure at the site will be demolished. The existing gas canopy will remain.

Staff opinion is to modify local approval to include:

1. Review of the project drainage plans by the city stormwater management office to ensure that proper drainage practices are used to control additional runoff from impervious surfaces, and to provide comments on the capacity, size and design of the proposed stormwater basin. The stormwater management office should request clarification of the proposed mitigation strategies in the event that storm even causes runoff exceedances.
2. Review by NYSDOT for comments on possible drainage impacts to State Route 9W (Southern Blvd).
3. Review by NYS Thruway Authority for assessment of impacts to Thruway lands.
4. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
5. Review by the Albany County Department of Health for food service and other required permits.
6. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.

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 should include an official drawing or rendering of the proposed site and action prepared by a licensed architect, landscape architect, engineer or land surveyor. Site plan details should be clearly identified and legible.

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

Case #07-180302961

Cumberland Farms (Fuel Pumps and Canopies)

1893 Central Avenue, Colonie

Area variance for a six (6) fueling pump island (99.5' x 47.5') with a canopy that is not a permitted use in the front yard.

Staff opinion is to modify local approval to include:

1. A notification of the application should be sent to the adjacent Village of Colonie including all notices pursuant to GML 239.

Advisory: The Town Zoning Board should consider the precedent that will be set for allowing significant area variances in the Commercial Office Residential (COR) Zoning District.

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

Case #07-180302962

Cumberland Farms (Supermarket)

1893 Central Avenue, Colonie

Special use permit for the construction of a 5,275 s.f. Cumberland Farms supermarket in the Commercial Office Residential (COR) Zoning District with a 148.2 foot setback to a Single Family Residential (SFR) Zoning District.

Staff opinion is to modify local approval to include:

1. A notification of the application should be sent to the adjacent Village of Colonie including all notices pursuant to GML 239.
2. 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.
3. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
4. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
5. A shared access agreement (including maintenance agreement) should be referenced in the deeds for both properties for the common access drive between parcels 29.10-1-12.1 (Cumberland Farms) and 29.10-1-14 (Aldi's).

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

Case #04-180302965

Forefront Power NY – Town Line Solar Project

Delaware Avenue, Delmar

Site plan review, special use permit and area use variances for a 2MW solar array on an 11.5 acre portion of a 55.3 acre property located off of Delaware Ave. The Bethlehem Central School District will purchase all power generated by the PV solar facility. *ACPB reviewed this project in July 2017 and August 2017.

Staff opinion is to modify local approval to include:

1. Review by NYSDOT for design of highway access, drainage and assessment of road capacity.
2. 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.
3. Submission of an updated agricultural data statement including the names and addresses of all owners of land containing farm operations within an Agricultural District and located within 500 feet of the boundary of the property upon which the property is proposed.

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

Case #10-180302966

Jeff Smolen

5460 Depot Road, Voorheesville

Special use permit to construct a new 10,000 s.f. steel building as a cold storage facility on a 12.48 acre lot, with the possibility of constructing additional cold storage buildings on the parcel in the future.

*ACPB reviewed this project in November 2014 and September 2015.

Staff opinion is to modify local approval to include:

1. Review by Albany County Department of Health for water supply, waste water discharge, septic and other required permits.
2. Review by the Albany County Department of Public Works for design of highway access and assessment of road capacity.
3. Review by the local fire department for adequate access and turning room for emergency vehicles.
4. 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.
5. 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: The applicant is also reminded that if there are any future plans to develop the remainder of the property, consideration of this future development is required now rather than at any such later date. Under the provisions of the Stormwater General Construction Permit (SPDES GP-015-002), if the total disturbance area associated with the larger common plan of development or sale is equal to or exceeds one acre, coverage under said permit and the development of a Stormwater Pollution Prevention Plan (SWPPP) is required.

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

Case #10-180302967

Dutch Country Connections, LLC

4459 Western Turnpike, Altamont

Special use permit for a retail sales lot to sell shades, outdoor furniture, storage barns, gazebos, swing sets and related items and host a weekend farmers' market.

Staff opinion is to disapprove without prejudice.

The Albany County Planning Board found the referral application and site plan map to be unacceptable for review purposes and cannot recommend approval or recommendations with information currently provided.

Advisory: Pursuant to NYS General Municipal Law 239-m (1)(c), a complete referral application shall constitute a "full statement of such proposed action" including all materials required by and submitted to the referring body as an application on a proposed action. The applicant's project narrative and plat plan did not meet the Town of Guilderland's submission requirements for a special use permit application.

The Albany County Planning Board advises any revised applications for this site include:

1. All materials required by and submitted to the Town of Guilderland as an application for a special use permit.
2. 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 actions prepared by a licensed architect, landscape architect, engineer or land surveyor. The site should include all dimensions and vital information, including the size of the parking area, number of proposed parking spaces, setback distances, etc.
3. Indicate ingress and egress plans and curb cut design from State Route 158, as well as anticipated traffic in the referral. Please be advised that this project will require review by the NYSDOT for design of highway access, drainage and assessment of road capacity due to the change in property use.
4. Include a detailed narrative of the proposed use, operations and site design, including but not limited to details regarding security measures, parking residential buffers, portable/temporary

toilets and additional details about the proposed farmers' market (size, number of anticipated vendors, anticipated attendance, etc.).

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

Case #10-180302968

John Seminary

3771 Western Tpk, Altamont

Request to subdivide a 27.76 acre lot into 2 parcels. Lot 2, (8 acres) will be conveyed to Victoria Acres Equine Facility, Inc. No additional structures or utilities for either lot are proposed at this time.

Staff opinion is to modify local approval to include:

1. A notification of the subdivision review application should be sent to the Town of Princetown, Schenectady County, including all required notices pursuant to GML 239-nn.
2. If the gravel driveway connecting Route 20 to Lot 1 through Lot 2, as well as the grass/gravel track crossing Lots 1 and 2 will continue to be accessed and used by both properties, a shared access and maintenance agreement should be referenced in the deeds for both properties.
3. Future plans for the development of the proposed driveway on Lot #1 will require review by the NYS DOT for design of highway access, drainage and assessment of road capacity.

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

Case #17-180302970

17 Ball Place Subdivision

17 Ball Place, Watervliet

Request to subdivide a residential lot equally into two parcels. The existing home will remain, and a new two-family home will be built on the vacant lot.

Staff opinion is to modify local approval to include:

1. A notification of the subdivision review should be sent to the Town of Colonie, including all required notices pursuant to GML 239-nn.

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

Case #17-180302971

17 Ball Place Area Variance

17 Ball Place, Watervliet

Area variance for two off street parking spaces without a garage.

2. A notification of the area variance application should be sent to the Town of Colonie, including all required notices pursuant to GML 239-nn.

Advisory: The town should consider the precedent that will be set for surrounding properties in the R-2 Zoning District to make similar variance requests.

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

Case #07-180302971

Colonie Center Antenna Installation
15 Wolf Road, Colonie

Request for a Wireless Telecommunications Special Use Permit for installation of a Distributed Antenna System (DAS) throughout the Colonie Center Mall building (floors 1 and 2), including seventeen (17) remote units, a proposed telecommunications room located on level 2, HVAC units located on the roof and cabling and electrical equipment associated with installation.

Staff opinion is to modify local approval to include:

1. A notification of the special use permit approval should be sent to the Village of Colonie, including all required notices pursuant to GML 239-nn.

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

Case #13-180302973

2069 New Scotland Road, Slingerlands

Site plan review for the construction of a 3-bay fire house to allow for additional trucks and equipment storage and to allow for quicker response time. The existing fire house on this parcel will be demolished. The curb cut will remain the same.

Staff opinion is to modify local approval to include:

1. Review by the NYSDOT for comments on possible drainage impacts to SR 85 drainage system.

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

Case #13-180302975

Indian Fields Road Illuminated Sign
1368 Indian Fields Road, Feura Bush

Special use permit for one (1) 4x8 back-lit sign and one (1) 4x8 LED message board.

Staff opinion is to modify local approval to include:

1. A notification of the special use permit application should be sent to the Town of Bethlehem.

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

Case #13-180302976

Apex Solar PV System

18 Tractor Path, Voorheesville

Site plan review for the installation of a grid-tied, 8.4 kw ground mounted solar PV system.

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 of sites within 500 feet of a farm operation located in an agricultural district.

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

Case #13-180302977

Coffey Residential Solar Electrical System

356 New Salem Road, Voorheesville

Site plan review for the installation of a 5.88 kw ground mounted solar electric system consisting of (18) sun power SPR-E20-327-D-AC modules to provide supplemental electricity.

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 of sites within 500 feet of a farm operation located in an agricultural district.

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

Case #13-180302978

Militiadis Orietas

2 Greylock Lane, Slingerlands

Special use permit for a single-family dwelling in a commercial zone.

Staff opinion is to modify local approval to include:

1. Any wetlands disturbance will require notification to and review by the US Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
2. Submission of an agricultural data statement to the Town as required by Town Law for site plan, special use permit, use variance and subdivision of sites within 500 feet of a farm operation located in an agricultural district.
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.

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

Case #13-1803022979

Xylem Wall Sign

1373 Indian Fields Road, Feura Bush

Area variance for two (2) proposed wall signs that exceed the allowable square footage. One sign is 53.05 s.f. and the other is 7 s.f.

Staff opinion is to modify local approval to include:

1. A notification of the area variance application should be sent to the Town of Bethlehem, including all required notices pursuant to GML 239-nn.

Advisory: The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the Commercial Hamlet Zone.

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

Case #13-1803022980

Toby/Mason Subdivision

22 Toby Lane, New Scotland

Minor subdivision review to subdivide a 11.47 acre lot into four single-family residential lots. Three single family homes will be constructed, on each. Lot 1 (1.34 acres), Lot 2 (1.15 acres) and Lot 3 (3.64 acres). The existing single-family home on Lot 4 (5.34 acres) will remain.

*ACBP reviewed subdivision proposals for this site in October 2014 and December 2015.

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 by Albany County Department of Health for all required realty subdivision permits.
3. A shared access agreement (including a maintenance agreement should be referenced in the deeds for Lots 2, 3 and 4.

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

Meeting adjourned at 5:25 p.m.