

**Albany County Planning Board
May 14, 2018
Approved Minutes**

Present:

Dominic Rigosu, Acting Chair, Bill Anslow, Sean Maguire, David Reilly, Enzo Sofia

Albany County Planning:

Michaela Sweeney

Minutes:

Janis Dunham Relyea

A call to order:

Dominic Rigosu called the meeting to order at 3:33 p.m.

Guests:

Jason Peterson
Michael Shanley
Michael Vincent
Jeremy Dievendorf
William Slatterly

Sean Maguire made a motion to accept the meeting minutes from the April meeting. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Sean Maguire made a motion to hear case #10-180503020 first. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #10-180503020

Town of Guilderland Local Law 4: Transit Oriented Development District
Town of Guilderland, designated TOD district area surrounding Crossgates Mall
Adoption of Local Law No. 4 (2018) for the establishment of the Transit Oriented Development (TOD) District.

Staff opinion is to modify local approval to include:

1. Notification of the law should be sent to the City of Albany, since the proposed TOD District abuts municipal boundaries.
2. Review by the Albany County Pine Bush Commission. Any comments by the Albany Pine Bush Commission should be considered due to the TOD District's proximity to the Preserve boundary.

Advisory: Under provisions for "Prohibited and Restricted Uses" in the proposed TOD District overlay zoning, all single and two family-dwellings in the Lawton Terrace, Tiernan Court, Rielton Court and Gabriel Terrace neighborhood will become nonconforming uses. With the understanding that the Town of Guilderland aims to encourage more compact development and mixed uses in this zone with these

provisions, the Board also encourages the Town to consider potential impacts to this existing residential neighborhood.

Michael Shanley addressed the board explaining that this town-wide initiative helps Crossgates Mall, which is a major employer and tax revenue generator for the county and town. Crossgates is forced to look at doing business in a different way; the TOD will help to create a mixed “community.” Crossgates has bought property in the surrounding area, and is hoping to build something that is first floor commercial, upper floors residential apartments/condos; perhaps a civic component as well, maybe government offices, a Police station, and medical offices all of which will help support the overall health of Crossgates.

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

GML 239 CASES RECOMMENED FOR DEFER TO LOCAL CONSIDERATION

Sean Maguire made a motion to move the 9 cases recommended for defer to local consideration to the front of the agenda and hear as is. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #7-180503013

40 Shepard Avenue, Town of Colonie

Construction of a 1900 s.f. single family dwelling at the height of 26’ to replace an existing nonconforming single family dwelling with a height of 21’, which is not compliant with the allowable maximum height of 21’ for the replacement of nonconforming structure.

Case #7-180503017

Vent Fitness Addition

195 Troy Schenectady Road, (former K-Mart Plaza), Town of Colonie

Construction of a 10,307 s.f. single story addition to Vent Fitness. Plans include demolition of a 1,742 s.f. canopy located at the southwest corner of the existing building and a 1,420 s.f. canopy along the southerly building façade.

Case #07-180503021

Victory Christian Church Thrift Store

1306 Central Avenue, Town of Colonie

Setback variance to allow a 1,500 s.f. addition to a thrift store.

*ACPB reviewed a variance for this property in June 2016 and August 2016.

Case 10-180503023

David Hosler Garage Variance

115 Route 146, Altamont

Variance request for the placement of a garage in the side yard.

*ACPB reviewed the site plan for this property in April 2014.

Case #04-180503026

Bentley Self Storage Roof-Mounted Solar Array

Monolith Solar Associates
721 River Road, Glenmont
Special use permit and site plan review for the installation of a 400 KW roof-mounted solar array on a self-storage facility.

Case #05-180503033

Quenzer Two Lot Subdivision
215 Cedar Grove Road, Selkirk
Lot line adjustment for the reconfiguration of two parcels.

Advisory Note: A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties.

Case #01180503034

Cellco Partnership d/b/a/ Verizon Wireless
151 Henry Johnson Blvd., Albany
Area variance to allow the installation of a personal wireless facility on a rooftop that is not compliant with the code's requirements for color and texture, and does not include an enclosed support structure.

Case #17-180503036

Steve Rutella
17 Ball Place, Watervliet
Area variance for two off-street parking spaces without a garage. Parking will be located in the rear with a 12' curb-cut.

Case #17-180503037

Steve Rutella
17 Ball Place, Watervliet
Subdivision of a parcel into two lots to build a new two-family home on the vacant lot, with parking in the rear of the new home. The existing home will remain.

Sean Maguire made a motion to hear case #04-180503025 next on the agenda. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #04-180503025

Bliss Smoothie Bar
218 Delaware Avenue, Delmar
Site plan for the construction of a handicap ramp from the Albany County Rail Trail to the parking lot of Bliss Smoothie Bar.

Staff opinion is to modify local approval to include:

1. Approval by the Albany County Legislature for design of access to the Albany County Rail Trail.
2. Upon approval by the Legislature, review by the Albany County DPW for right-of-way access and related permit.

Advisory Note: Any proposed signage along the trail will be subject to approval by the Albany County Legislature.

Jason Peterson addressed the board, he is the surveyor working on the project, and is helping the owner get his permits in order.

William Slattery addressed the board, described the project plans. The building used to be a clothing store. He currently owns and operates O'Slattery's which is just up the street.

Bill Anslow said that conceptually we don't have any issues with the project, but it has to be done right, since it is the first project of its kind on the rail trail. The development of access and design standard is a legislative issue, everything needs to be spelled out clearly.

Dominic Rigosu asked if the owner is going to be responsible for the ramp or the county?

Bill Anslow replied with, the builder/business owner will maintain the ramp.

Dominic suggested the county set up design parameters.

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

GML CASES RECOMMENED FOR MODIFICATION

Case #7-180503014

Long Energy Accessory Truck Shed
2880 Curry Road, Town of Colonie

Area variance for the construction of an accessory 30'x80' post and beam structure for truck and equipment storage with a 5'5" right side yard setback, which does not comply with the minimum 20' side yard setback in the Airport Business District.

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 proximity to the Preserve boundary.

Enzo Sofia recused himself from voting.

The Board did not take action on case # 07-180503014, Long Energy Accessory Truck Shed, due to an abstention of a voting board member resulting in a lack of a quorum. The Board advises staff opinion for review by the Albany Pine Bush Commission due to the property's proximity to the Preserve boundary.

Case #7-180503015

Cumberland Farms
1893 Central Avenue (former Sushi X, next to Aldi's), Town of Colonie

Site plan for a 5,275 s.f. Cumberland Farms convenience store with a six-pump gas fuel island. The existing structure will be demolished. Two access points from Central Avenue and a shared access point from the adjacent Aldi's Supermarket parcel are proposed.

Staff opinion is to modify local approval to include:

1. A notification of the site plan application should be sent to the adjacent Village of Colonie, including all required notices pursuant of GML 239.
2. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
3. 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 (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-003, January 29, 2015) for construction activities that disturb more than one acre of land.
4. Review by the Albany County Department of Health for food service, grease traps, and other required permits.
5. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
6. A shared access agreement (including a 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 Enzo Sofia and unanimously approved by the board.

Case #7-180503016

Rosetti Apartments

54 Vly Road, Town of Colonie

Construction of a two-story, eight-unit apartment building with a 8,430 s.f. building footprint and a two-story, ten-unit apartment building with a 9,350 s.f. building footprint. Four lots (54 Vly Road, 421, 423, 423A New Karner Road) will be merged into a 5.4 acre parcel.

Staff opinion is to modify local approval to include:

1. A notification of the site plan application should be sent to the adjacent Village of Colonie, including all required notices pursuant of GML 239.
2. Review by the Albany County Department of Public Works for design of highway access, drainage and assessment of road capacity.
3. 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 (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-003, January 29, 2015) for construction activities that disturb more than one acre of land.
4. Review by the local fire department for adequacy of access by emergency services.

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

Case #18-180503019

Main Brother's Oil Co.

4338 Route 85, Town of Westerlo

Area variance to install a 30,000 gallon LP tank on an existing commercial property.

Staff opinion is to modify local approval to include:

1. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.

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

Case #1180503022

McLaughlin Funeral Home

1226 Broadway, Albany

Conditional use permit to convert a former post office into a funeral home.

Staff opinion is to modify local approval to include:

1. Require the Applicant to demonstrate that the traffic generating characteristics of the proposed land use will not significantly impact existing thoroughfares.

Advisory: The Planning Board should consider if there is adequate on- and off-street parking for this proposed use, including accommodations for visitors and a hearse.

Case #04-180503024

Glenmont Shopping Plaza

376 and 388/392 Feura Bush Road, Town of Bethlehem

Site Plan amendment to make the following improvements to the Glenmont Shopping Center:

reconfigure the two site driveways on Route 9W; update the parking and sidewalk area in front of the former CVS building; add two raised speed tables to the main plaza drive to deter speeding; provide an entering and exiting connection to the parking lot that fronts Feura Bush Road to eliminate the ability of cars to make a left turn into this parking field.

*ACPB reviewed amendments for this site plan in February 2012, May 2013 and April 2015.

Staff opinion is to modify local approval to include:

1. Stormwater management planning and permits will need to be coordinated with the larger shopping plaza development approvals. Contact the town's stormwater management officer for review and approval of changes.
2. Review by the NYSDOT for design of highway access and drainage.

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

Case #04-180503027

Glenmont Self Storage

564 Route 9W, Glenmont

Proposal to combine three lots (adjacent to the existing self storage facility) into one parcel and construct four self storage buildings ranging from 7,875 s.f. to 11,700 s.f. Plans involve removing old asphalt and the garage adjacent to the existing residential structure, and constructing new porous pavement around the storage buildings. The existing residential structures will remain.

*ACPB reviewed an area variance for this project in August 2017.

Staff opinion is to modify local approval to include:

1. Review by the NYSDOT for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
2. A Notice of Intent filed with NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of 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. Notification of the plan application to the NYS Thruway Authority.

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

Case #03-180503029

Houlian Dollar General Site Plan Review

8 Main Street, East Berne

Site plan review for a 9,100 s.f. Dollar General store on a 2.1 acre site.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for water supply, waste water discharge, location of wells and septic, and other required permits.
2. A Notice of Intent filed with NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of 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 NYSDOT for design of highway access, drainage and assessment of road capacity.

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

Case #10-1580503030

100 Acre Wood Vineyard

4730 Western Tpk., Town of Guilderland

Special use permit for the construction and operation of a farm winery.

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 Watervliet Water Board.

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

Case #13-180503031

Toby/Mason Subdivision
22 Toby Lane, Slingerlands

Adjustments to a four lot major subdivision on an 11.47 acre parcel.

*ACPB reviewed this subdivision proposal in March 2018, December 2015 and October 2014.

Staff opinion is to modify local approval to include:

1. The land owner of the subdivision should notify purchasers of the lots that they must prepare a stormwater pollution prevention plan (SWPPP) for erosion and sediment control if construction will disturb more than one acre of land, as required by NYSDEC SPDES General Permit for Stormwater Discharges (GP-015-002).

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

Case #07-180503032

Soldier On PDD Amendment

Proposed amendments to the Soldier on Planned Development District (PDD), including redistribution of 25 one-bedroom units from the Ann Lee Home building to three additional residential buildings maintaining the total number of one-bedroom units for the project at 200 units, as originally approved. The plans are also amended to reconfigure the driveway system, construct new shared parking area, and provide for installation of site landscaping and a green infrastructure stormwater management system.

Staff opinion is to approve.

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

Michael Vincent from the Berne Planning Board addressed the board, he was there to observe and asked the Board general Planning questions regarding the referral process.

Meeting adjourned at 4:52 p.m.

The Albany County Planning Board will meet again on Thursday, June 21, 2018 at 2:30 p.m. at the Cornell Cooperative Extension, 24 Martin Road, Voorheesville, NY 12186.

