

**Albany County Planning Board
Approved Minutes
September 20, 2018**

Present:

Dominic Rigosu, Acting Chair, Bill Anslow, David Reilly, Enzo Sofia, Roland Graves, Bakary Janneh

Albany County Planning:

Michaela Sweeney

Minutes:

Janis Dunham Relyea

Guests:

Daniel Hershberg
Leonard Tobler
David Maguffin
Scott Stevens
Robyn Reynolds
Salome Raheim

A call to order:

Dominic Rigosu called the meeting to order at 3:37 p.m.

Roland Graves made a motion to move Cases #06-180903131 and 06-180903132 to the front of the agenda. Enzo Sofia seconded the motion and was unanimously approved by the board.

Case #06-180903131

Norlite, LLC

628 Saratoga Street, Cohoes

Height variance request for a structural component of the manufacturing process for Norlite, LLC that will promote energy efficiency. The new structure will have a footprint similar to a building already located on the property, but would be 80' tall. The maximum height for buildings and structures in the Industrial District is 45' and therefore the applicant is seeking a 35' height variance.

Staff opinion is to modify local approval to include:

1. Notification to the New York State Department of Environmental Conservation (NYSDEC) pursuant to New York Environmental Conservation Law 71-3607. An environmental easement was granted to NYSDEC on June 15, 2018 by Norlite, LLC for 628 Saratoga Street, Cohoes (SBL 20.12-1-2 and 20.12-2-15). The environmental easement restricts future use of a project to Industrial uses. Any on-site activity must be done in accordance with the environmental easement and site management plan. In accordance with New York Environmental Conservation Law 71-3607, whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local

government shall notify the department (NYSDEC) and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

2. Review by the FAA and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions.

David Magruffin addressed the board. He explained why there was a variance for the facility. They would like to build a shale silo in order to reduce dust pollution. One structure currently has a silo that is 120 feet. The FAA will be contacted.

Dominic asked if the shale dust blows in a certain direction.

David responded, nothing blows out of the silo, there is a dust capturing system attached.

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

Case #06-18093132

Erie Point Site Plan Updates
385 Saratoga Street, Cohoes

Site plan review for a 39 unit multi-family residence on a vacant property. *ACPB reviewed previous site plans and variances for this project in July 2018.

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.

Enzo Sofia 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 move Case #10-180903110 to the front of the agenda. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #10-180903110

Hiawatha Land Development, LLC
6025 & 6051 State Farm Road, Town of Guelderland

Special use permit for the construction of 256 senior independent living apartments within five buildings at the location of the existing Hiawatha Trails Golf Course. 260 surface parking spaces and 58 garage parking spaces are proposed, with 119 banked parking spaces. A variance is requested to permit the building height to exceed 2.5 stories. The 3-story portion of the building will make up 80.4% of the total

building perimeter. Approximately 20 acres of land will be dedicated to the Town of Guilderland for conservation and open space purposes.

Staff opinion is to modify local approval to include:

1. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.
2. Review and permits by Albany County Department of Health for extension of sewer line.
3. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
4. Notification to the local fire department of the project site plans. Any comments related to fire service safety, including but not limited to design of the emergency vehicle access road and location of fire hydrants should be considered prior to granting final site plan approval.

Advisory Note: As a condition of any town approval the ACPB encourages a permanent land use or limited uses for Lot #2 due to its significance to the proposed development and surrounding community.

Daniel Hershberg addressed the board. He said that they would like to have a traffic light installed on SR 155, at the entrance to Presidential Way; he feels it would have a good impact on walkability and Guilderland School District is in favor of a traffic light there. There is an adjacent parcel that is currently designated for recreation but RDC Equities will still own that space, they feel that it could be valuable at some point.

Roland Graves asked if these would be rental properties.

Mr. Hershberg said yes, they are rental properties that will be owned by RDC Equities.

Dominic Rigosu feels that RDC should be encouraged to designate that parcel to be permanently designated to public space, since it will have significant impact on the project and community if it were to be sold and used for something else.

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

Case #10-18093119

Carman Ridge Apartments II Variance

3800 Carman Road, Town of Guilderland

Request for variances associated with the development of two, 8-unit apartment buildings (case #10-18093117), including setback variances for the proposed building and associated garages, a reduced buffer to the adjacent General Business district, light pole height, and exceedance of permitted number of parking spaces.

Staff opinion is to defer to local consideration.

Advisory Note: This application includes a significant number and type of variances from town code regulations. The ACPB advises the town zoning board to consider whether the alleged difficulties were

self-created and whether the benefits sought by the applicant can be achieved by some feasible method other than area variances

Enzo Sofia 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

Yomika Bennett made a motion to move the 10 cases recommended for defer to local consideration to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

Case 17-180903109

Steve Urban
817 4th Ave., Watervliet
Subdivision of an 0.18-acre residential lot into two 0.09 acre lots.

Case #16-180903111

Tobler Variance
263 Heldeberg Parkway, Voorheesville
Area variance to permit installation of a 24-module, ground-mounted solar facility in the front yard.

Case #01-18090312

Durham School Services, LP
440 & 442A North Pearl Street, Albany
Special use permit for operation of a dispatch service. The applicant will use the existing parking lot for bus parking and the existing building for minor vehicle repair work.

Case #01-180903114

Redburn Development Partners, LLC (Damien Pinto-Martin)
1 Steuben Place, Albany
Site plan to convert an 81,800 s.f. commercial building into a mixed-use building with 59 apartment units and 12,800 s.f. of commercial/retail space.

Advisory Note: The Planning Board should consider the impacts to on-street parking resulting from all proposed residential development downtown and determine if the amount of available parking spaces will be adequate for the number of proposed units. Additional bicycle parking spaces should also be considered.

Case #01-180903116

Redburn Development Partners, LLC (Damien Pinto-Martin)
76 North Pearl Street, Albany
Site plan to convert an existing office/retail building into a mixed use, retail-residential building with 63 residential units and 17,500 s.f. of retail space.

Advisory Note: The Planning Board should consider the impacts to on-street parking resulting from all proposed residential development downtown and determine if the amount of available parking spaces will be adequate for the number of proposed units. Additional bicycle parking spaces should also be considered.

Case #13-180903123

Hovmovitis Subdivision Variance

13 Thacher Park Road, Town of New Scotland

Request for a minimum lot size variance to permit subdivision of a 4.68-acre property into two parcels: a 3-acre parcel for a homestead and a 1.5-acre lot including the existing dwelling. The minimum lot size in the Residential Forestry district is 3 acres.

Advisory Note: Any future plans for new access or modification of existing access to SR 85 or SR 157 will require review and permits by the NYSDOT for design of highway access.

Case #06-180903124

Erie Point Variance

385 Saratoga Street, City of Cohoes

Request to allow the following variances for a proposed 40-unit multifamily residential building:

1. 8.5' and 24' front yard setback variances (the building will be angled with 13.5' in NW corner and 29' in SW corner).
2. A 30-unit variance, where 10 units are permitted and 40 dwelling units are proposed; and
3. 48 parking spaces, where 40 are allowed (1 space per unit; these spaces will be banked).

*ACPB reviewed previous site plans and variances for this project in July 2018.

Case #13-180903127

Clarksville Preserve Expansion

2092 Delaware Tpk., Clarksville

The Northeastern Cave Conservancy, Inc. is receiving 2.44 acres of land located between existing parcels which comprise the Clarksville Cave Preserve. The new acreage will be appended to an adjacent lot and result in continuous ownership by NCC, Inc. of approximately 14.35 acres. The purchase will protect the underlying cave, cave life, and surface forest lands.

Case #04-180903129

Russo/Galletta Duck Pen

66 Harrison Avenue, Delmar

Site plan for agricultural use of 3 ducks to be kept in a residential backyard with a pen and enclosed run.

Case #04-180903130

Monolith Solar/Del Lanes Bowling Alley

4 Bethlehem Court, Delmar

Special use permit to install a roof-mounted PV system on the existing Del Lanes Bowling Alley to provide energy to the Albany School District.

*ACPB reviewed a use variance for this project in June 2018.

GML 239 CASES RECOMMENDED FOR MODIFICATION

Case #07-180903108

Hoffman's Car Wash

1066-1068 Troy Schenectady Rd., Colonie

Construction of a +/- 7,000 sq. ft. car wash facility with exterior vacuum structures, including associated landscaping and stormwater treatment/detention, and new lateral connections to municipal water and sewer services.

* ACPB reviewed a variance for this development in March 2018.

Staff opinion is to modify local approval to include:

1. Notification to New York State Department of Transportation for closing of curbcuts to SR 7 and any other required permits for work within the right-of-way.
2. 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.
3. A Notice of Intent filed with the New York State Department of Environmental Conservation 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 New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.

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

Case #10-180903113

Hudson Birch 678, LLC Minor Subdivision

678 Altamont Voorheesville Road (SR 156), Town of Guilderland

Subdivision of 20 acres into two lots. Lot 1 will be 3.83 acres and will include the existing single family dwelling. Lot 2 will be 16.22 acres.

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

Advisory Note: Any future plans to construct a driveway with access to SR 156 will require review and permits by the NYSDOT.

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

Case #10-180903115

Breitenbach 2 Lot Subdivision

865 Township Road, Town of Guilderland

Minor subdivision of 52 acres into two parcels. Lot 1 will be 7.43 acres and Lot 2 will be 44.54 acres and will include the single family dwelling.

Staff opinion is to modify local approval to include:

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

Advisory Notes:

1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties due to the proposed shared use of the stone driveway between Lot 1 and Lot 2.
2. Any future plans for new access to Lot 1 from Township Rd. (SR 146) or modification of existing access will require review and permits by NYS DOT.

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

Case #10-18093117

Carman Ridge Apartments II Subdivision and Site Plan

3800 Carman Road, Town of Guilderland

Site plan for the construction of two, 8-unit apartment buildings which will include a two lot minor subdivision. Lot 1 will be 1.51 acres and contain the proposed apartment buildings. Lot 2 will consist of 0.71 acres for future commercial use. The existing retail building and associated structures will be demolished and removed. An easement will be granted to Carman Realty, LLC across Lot 1 to connect SR 146 and the apartment buildings with the shopping center located behind the site.

Staff opinion is to modify local approval to include:

1. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.
2. Review by NYSDOT for design of highway access and curb cuts, drainage and assessment of road capacity due to the change in property use.

Advisory Notes:

1. A shared access agreement (including a maintenance agreement) should be referenced for both properties
2. The town should request the applicant to provide a plan for the infiltration basin in the site details sheet, as well as call out details on how the emergency spillway will be established.

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

Case #10-18093118

Black Creek Estates Subdivision

NYS Route 146/Hurst Road, Town of Guilderland

Proposed conservation subdivision creating 20 single family lots and stormwater management areas. 23.7 acres of open space will be located within conservation easements.

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-0-15-002).
2. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
3. Submission of an agricultural data statement to the Town as required by Town Law for subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.
4. 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.

Advisory Notes:

1. To minimize wetland disturbance, the applicant and town may want to consider reducing the proposed width of the multi-use path width.
2. In lieu of piecemeal sidewalk and multi-use path construction, the town may want to escrow funds and put out a contract for an overall sidewalk plan of development.

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

Case #10-180903120

Preserve at West Creek

6517 and 6521 Vosburgh Road, Town of Guilderland

Site plans to construct a multi-residential apartment complex with 112 units in 14 buildings.

*ACPB reviewed rezoning for a portion of this parcel in January 2017 from General Business (GB) to Multiple Residence (MR) and General Business (GB).

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 NYSDOT for design of highway access and curb cuts, drainage and assessment of road capacity.

3. Any wetland disturbance will require notification to and review by the US Army Corps of Engineers for permits under section 404 of the Clean Water Act.

Advisory Notes:

1. The town should determine if all of the parking spaces are needed for the proposed uses, and if not, banked parking should be encouraged.
2. The applicant should include a hydrology analysis as part of the SWPPP to ensure that the culvert separating the wetland is large enough to handle the watershed.

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

Case #10-180903121

Monolith Solar

200 Kernozek Lane, Town of Guilderland

Special use permit to install a 650 KW solar system on a vacant parcel with an access road.

Modify local approval to include:

1. Inclusion of decommissioning plan or established conditions requiring abandoned solar systems to be removed by the owner.
2. Consultation with the local fire department when reviewing the site plans 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.
3. The town should determine with assistance from the applicant how much, if any potential glare there will be to vehicles on adjacent roads and if any modifications are warranted for placement, height or angle the panels, etc. Different times of year should be considered when analyzing the potential variations in reflection to adjacent roadways.
4. The town should determine if any landscaping or fencing will need to be provided to buffer adjacent properties and roads.
5. The town stormwater management officer should review the project plans to ensure that soil erosion and sediment controls and proper drainage practices are adequate.

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

Case #13-18090122

Wiley Residential Chickens

304 New Salem South Road, Town of New Scotland

Special use permit to allow up to 12 chickens (hens only) on a residential lot.

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 special use permit approval on sites within 500 feet of a farm operation located in an agricultural district.

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

Case #07-180903125

Mochrie Garage Variance

2 Arch Street, Watervliet

Setback variance to construct a 1,500 s.f. detached garage on a residential lot in the front yard with a 3 ft. front yard setback, where accessory structures are not permitted in the front yard and a 30' minimum front yard setback is required in the Single Family Residential Zoning District.

Staff opinion is to modify local approval to include:

1. Review by the NYSDOT for design of driveway and highway access.

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

Case #13-180903126

US Solar New Scotland 1 LLC Special Use Permit

331 New Scotland South Road, Town of New Scotland

Special use permit to construct a community solar facility.

*ACPB reviewed a special use permit for this project in July 2018.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity and drainage.
2. Submission of an agricultural data statement to the Town as required by Town Law for site plan and special use permit approval of sites within 500 of a farm operation located in an agricultural district.

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

Case #07-180903128

2018 Local Law Re: Brewing, Manufacturing and Motor Vehicle Uses

Town Wide

Amendments to the zoning code for definitions and buffer setback requirements related to brewing uses, manufacturing and artisan uses, and motor vehicle cleaning and detailing uses.

Staff opinion is to modify local approval to include:

1. Notification of the local laws and zoning amendments should be sent to all adjacent municipalities that border the affected zoning districts.

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

New Business

Bakary Janneh discussed the Albany County Equity Agenda with the board.

Meeting adjourned at 5:05 p.m.

The Albany County Planning Board meets again on Thursday, October 18, 2018 at 3:30 p.m. in the conference room at the Albany County Department of Public Works at 449 New Salem Road, Voorheesville, NY 12186.