

**Draft Minutes
Albany County Planning Board
August 17, 2017**

Present:

Dominic Rigosu, Chair, William Anslow, Yomika Bennett, Roland Graves, Lisa Ramundo, David Reilly, Enzo Sofia, Shawn Thelen

Minutes:

Janis Dunham Relyea

A call to order:

Dominic Rigosu called the meeting to order at 3:00 pm

Guests:

Matt Jones

Chris Dempf

Yomika Bennet made a motion to accept the minutes from the April 2017 meeting. Roland Graves seconded the motion and it was unanimously approved by the board.

Roland Graves made a motion to hear Case #04-17082849 first to accommodate the guests. The motion was seconded by Yomika Bennett and unanimously approved by the board.

Case #04-17082849

Brian and Sheri Parker

1599 New Scotland Road, Slingerlands

Land Division-create a lot line for a single family home 1.72 acres.

Staff opinion is to defer to local consideration.

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

Roland Graves made a motion to hear case #10-17082843 second. The motion was seconded by Yomika Bennett and unanimously approved by the board.

Case #10-17082843

Deborah and Joseph Ritano

6232 Johnston Road, Guilderland

Special Use Permit-Build a residential independent living facility and subdivision of one parcel into two.

Staff opinion is to modify local approval to include:

1. While the special use permit for property is within the powers of the local municipality; the town needs to consider the impact on adjacent properties from the proposed

development. This area of the town along CR 203 is characterized by low lying, wet soils, a high water table and a history of flooding on residential properties due to surrounding developments that send drainage to this area.

2. The addition of impervious surface from any development on the property will exacerbate the problem for drainage in this area. While appropriate stormwater management practices must be consistent with the NYS Stormwater Management Design Manual for any project that disturbs more than 1 acre; the town should consider more information regarding the necessary stormwater management practices before approving a significant special use permit.

The applicant should clarify what type of stormwater management system is being proposed. Has project planning determined that the selected system is suitable given site conditions? Were runoff reduction options considered as per the NYS Stormwater Management Design Manual? Also, information should be provided on where the outlet structure will be, and it should be demonstrated how stormwater runoff will be conveyed to the management area. In particular, more information is needed on how runoff from the westerly parking lot will be handled, as no stormwater management basin is shown adjacent to that parking area. Maintenance of the stormwater management system, and formal designation of maintenance responsibility, are key considerations in project planning also

In addition to stormwater management considerations, erosion and sediment control and construction site waste management must be detailed to prevent any discharge of contaminants to Johnston Road (County Route 203) and its drainage system. Albany County DPW requests to review the SWPPP as a part of the highway work permit approval process.

It will be required to demonstrate that **no backup** in flow will occur in the drainage ditch that extends from Johnston Road (C R 203) along the north/east edge of the property. This ditch contains a fairly minimal grade, so **no net** increase in flow will be allowed. It is noted that there are several federal wetlands delineated on the project property, which are hydrologically connected to the aforementioned drainage ditch from Johnston Road. Flow characteristics to these wetlands will be altered, and the effect of these alterations must be evaluated and documented.

It may be that the size of the stormwater management system needed due to the physical conditions will reduce the amount of buildable land area and reduce the number of units that can accommodated. Any approval for the number of units allowed should be conditioned on the actual buildable area of the property due to physical constraints so as not to negatively impact surrounding properties and the CR 203 drainage system.

3. The trip generation numbers provided in the narrative are less than half of the ITE Trip Generation 9th Ed. results. Based on ITE Trip Generations the traffic generated would be 15 trips in the a.m. peak hour and 19 p.m. peak hour generating 258 weekday trips. Trips outline in narrative should be explained with necessary back-up.
4. The proposed parking lot size exceeds the minimum required size by 24 spaces. These spaces could be banked for runoff reduction. The town could consider allowing further banking, if supported by studies of parking lot usage at similar developments nearby.
5. Sight distance to the left could become a problem if vegetation were allowed to grow on the inside of the curve. A vegetation control scheme should be developed that won't affect the adjacent federal wetland.
6. Prior to site plan review for the proposed multifamily project the applicant should work with the Albany County DPW to locate and redesign the curb cut from a residential to commercial curb cut.
 - o Albany County DPW will require an engineered sight distance study for their use to locate the final placement of the curb cut along County Route 203.

Advisory Notes:

1. The town should consider the precedent setting impact to surrounding property. There is a larger 11.5 acre single family parcel, zoned RO-40, located adjacent to the proposed special use permit.
2. The town may want to consider that the proposed project address the requirements for common open space and recreational activities under the new town zoning amendments for multifamily zone requirements.

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

Case #02-17082832

Gregory and Lisa Peck
108 Sand Street, Altamont

Area Variance-To remove old porch (17'x4'x'6.2') and replace it with a new (18'x17.4") porch.

Staff opinion is to defer to local consideration.

Case #0417082833

Glenmont Self Storage

576 Route 9W, Glenmont

Area Variance-expansion of an existing self-storage facility located immediately adjacent to subject lands.

Staff opinion is to defer to local consideration.

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

Case #0717082833

Eugene Beaudoin

8 & 10 Hoefer Street, Latham

Area Variance-Alter property line between two lots and build a one family home

Staff opinion is to defer to local consideration:

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

Case #07-17082834

Albany Shaker Road Subdivision

576 Albany Shaker Road, Loudonville

Area Variance-Proposed subdivision of a 24,300 s.f. corner lot into two (2) lots, an 11,892 s.f. lot with an existing two family home (Lot 2) with a 67.8' lot line for future construction of a single family dwelling (Lot 1) with a 30' front yard setback (Krug Court) is not compliant with the 18,000 s.f. minimum lot size, 80' min width at the front building setback line and 40' minimum front lot line, 80' minimum width at the front building setback line and a 40' front yard setback required in a Single Family Residential (SFR) Zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25 and 190 attachment 2 - Dimensional Table.

Staff opinion is to defer to local consideration.

Roland Graves made a motion to accept staff opinion. Enzo Sofia recused himself from voting. Yomika Bennet seconded the motion and the motion was approved by the board.

Case #07-17082835:

Retail/Storage Building

2069 Central Avenue, Colonie

Site Plan Review-Raze existing structures and replace with a 6,755 s.f. building that will be utilized for retail and storage. The proposed building will be one story and the parking lot and access drives will also be modified to support the proposed building. The proposed building is in accordance with zoning regulations of the Town of Colonie. This site currently has 3 parking spaces; 12 new parking spaces will be developed for a total of 15 parking spaces to meet the projected requirements.

Staff opinion is to defer to local consideration.

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

Case #07-17082836

Exit 5 Auto Group

625 Watervliet Shaker Road, Latham

Use Variance-Change of use to a full auto service and body shop current use is auto sales and light service.

Staff opinion is to modify local approval to include:

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

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

Case #10-17082837

Mill Hill Planned Unit Development

(amend existing plan) Phase 4

Intersection of 155 & Mill Hill Court

Amend existing Mill Hill Planned Unit Development (PUD) – Phase 4 of the Mill Hill PUD for phase 4 of the PUD Project. The Mill Hill PUD Project is located at the northwest intersection of Route 155 and Mill Hill Court. The proposed amendment would permit, in Phase 4 of the project, alternatively a 92-unit Senior Independent Living Apartment Project or the previously approved 160 bed nursing home care facility as set forth in the proposed local law amendment.

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 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.

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

Case #07-17082837

Subdivision

456 Old Loudon Road, Latham

Area Variance-Subdivide 39,744 s.f. lot (456 Old Loudon Road) into two (2) lots, each with 72' at the front building line setback line is not compliant with the 80' minimum front lot line and 80' minimum width at the front building setback line required in a single family residential (SFR) zoning district, as

stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25 Attachment 2 Dimensional Table.

Staff opinion is to defer to local consideration.

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

Case #01-1782838

Tellurian Acquisition LLC
28 Corporate Circle, Albany
Area Variance-Subdivision of a 2.5 acre parcel

Staff opinion is to defer to local consideration.

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

Case #04-17082839

Local Law Town of Bethlehem
Town Wide
Local Law Town of Bethlehem Chapter 128-59 Zoning to address the placement of signs/murals along the Albany County Rail Trail

Staff opinion is to modify local approval to include:

The Town of Bethlehem should refrain from adopting any zoning local laws regarding the placement of signs/murals along the County-owned Albany County Rail Trail. This Board is concerned that such an action sets a precedent for other municipalities through which the Albany County Rail Trail is located.

Advisory: The Albany County Planning Board recommends a moratorium on any actions concerning the Albany County Rail Trail until the county reviews and/or prepares their own policies regarding the county owned trail.

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

Case #01-17082840

Dunkin Donuts
500 Northern Blvd, Albany
Area Variance-Construction of a 6,000 s.f. multi tenanted commercial structure.

Staff opinion is to defer to local consideration.

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

Case #18-17082841

Hannay Reels, Inc
553 SR 143, Westerlo

Area Variance-Addition of a salt shed next to an existing structure that is called Building 21. The addition will be a single story and attached directly to an existing structure to the east side. It will be less than the required 100 feet from the north neighbor, the structure will be 28' from the line.

Staff opinion is to defer to local consideration.

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

Case #10-17082842

Trustco Bank

Special Use Permit-Relocate the ATM from the lobby to the drive thru, a bathroom addition and other inside renovations.

Staff opinion is to defer to local consideration.

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

Case #10-17072844

Forefront Power

4157 Becker Road, Altamont

Special Use Permit-Construction of a 2.9 mW solar photovoltaic array system with access road.

Staff opinion is to defer to local consideration.

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

Case #13-17082845

Lands of Cillis-Subdivision

439 Stove Pipe Road, Voorheesville

Subdivision of 66.5 acres in to 4 building lots

Lot 1-2.28 acres, Lot 2-2.19 acres, Lot 3-3.44 acres, Lot 4-58 acres

Staff opinion is to defer to local consideration.

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

Case #13-17082846

Lands of Cillis-Subdivision
439 Stove Pipe Road, Voorheesville
Subdivision of 10.8 acres into 3 building lots
Lot 1-3.5 acres, Lot 2-3.3 acres, Lot 3-4.0 acres

Staff opinion is to defer to local consideration.

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

Case #13-17082847

1368 Indian Fields Road, Feura Bush
Area Variance-Replace existing sign with a new one in the same footprint of an existing sign and put (2) two 4'x8' back lit signs, one sign will have the name of restaurant and the other will be an LED message board.

Staff opinion is to defer to local consideration.

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

Case #13-17082848

Salvatore and Marylyn Praga
604 Onesquethaw Creek Road
Subdivision of a single family home with all improvements on a 2.46 acre lot from a total of 6.48 acres. Vacant lot of 4.02 acres will be used to build a single family home.

Staff opinion is to defer to local consideration.

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

Case #04-17082850

Jeff Vadney
VanDyke Road, Delmar
Area Variance-Proposing to construct a single family home that will require access thru an easement over Duyster Court, a private road creating a building lot that will not meet the highway frontage requirements. Within 200' from an ag district.

Staff opinion is to modify local approval to include:

1. Submission of an agricultural data statement.

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

Case #04-17082851

Dunkin Donuts

Drive Thru Addition-Site Improvements

232 Delaware Avenue, Delmar

Site Plan Review-Drive thru addition and site modification proposing a to construct a new drive thru window in the rear of the building and modify the site parking lot, eliminate access drive on Delaware Avenue and relocate to Lincoln Ave further away from Delaware Avenue.

Staff opinion is to modify local approval to include:

1. Review by NYSDOT for design of highway access, drainage and assessment of road capacity.

While the property development will require a site review, the zoning board should not grant the variances without first consulting with NYSDOT on the proposed design layout and curb cut changes.

The variance request from the number of parking spaces is significant and is dependent on the proposed site design which includes curb cut changes to SR 443. Input from DOT on a different stacking lane location for the drive thru window would also be helpful. (see advisory)

Advisory:

Allowing a drive thru lane with cars stacked next to a residential property with idling car exhaust is not the best design layout. While redevelopment of a site is contingent upon existing building location it is possible to redesign the interior of a building to accommodate a drive thru with idling cars sitting away from the residential side of the building. This in turn may impact the curb location from SR 443. The town may want to ask the applicant to show an alternative site design layout.

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

Dominic Rigosu drafted a letter to Daniel McCoy regarding the 6 month vacancy of the Senior Planner position.

Roland Graves made a motion to send the letter as is. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Meeting adjourned at 4:40 p.m.

The Albany County Planning Board will meet again on Thursday, September 21, 2017 at 3:00 p.m. at the Albany County Department of Public Works, 449 New Salem Road, Voorheesville, NY 12186.