

**Albany County Planning Board
Draft Minutes
December 21, 2017**

Present:

Dominic Rigosu, Acting Chair, William Anslow, Timothy Garufi, Roland Graves, Sean Maguire, David Reilly, Enzo Sofia

Minutes:

Janis Dunham Relyea

Guests:

Juliet Turner
Martha Harowitz
Amy Lolik
Thomas Hoey
Stephen Burke
Luke Ramsey
Nancy Harrigan
Carol Waterman
Mike Lawless
Don Reeb
Keith Reynolds
Kathleen Johnson
Tony Stellato
Paul Miller
Mark Naddeney
Ellen Manning
Daniel Hershberg
Tony Stellato

A call to order:

Dominic Rigosu called the meeting to order at 3:34 pm.

Roland Graves made a motion to accept the minutes from the November 16, 2017 meeting. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Roland Graves made a motion to move cases 07-17122919, 01-17122902 and 01-17122901 to the front of the agenda. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #07-17122919

British American Plaza
Phase I (revised)
798 Albany Shaker Road
Site Plan Review-One multi story office building totaling 24,800 s.f. and a four story 98 room hotel.

Staff opinion is to modify local approval to include:

1. Approval by the Albany County Legislature for emergency access road agreement across the right of way of CR 151.
2. Approval by Albany County DPW for design of emergency access road.

Advisory: Albany County Planning Board approval of the emergency access road is to address the 20165 International Fire Code adopted by NYS which requires a second means of site access for structures above 3 stories. This seconded means of egress should not allow the applicant to develop this site above the current density levels allowed by code.

Tony Stellato addressed the board.

He went over the project revisions. Said the applicant would like to proceed with phase 1, the project has been in the works since 2006/2007. They have been doing wetland mitigation and filling on the site under an active permit. The current hotel should have a second access for emergency vehicles. There is public benefit to giving the project emergency access.

Bill Anslow said in order to ensure the access road is only used by emergency vehicles there will need to be a locked gate, and is the applicant willing to pay for and maintain the emergency access area? And if we allow this to happen, will more developers seek access thru county property? In order to grant access there will need to be County Legislature approval.

Tony Stellato said that British American will provide the maintenance, they already have a crew that maintains their other office park.

Dominic Rigosu made a suggestion that the board approve this project pending DPW and County Legislature approval for the gated emergency access.

Enzo Sofia made a motion to accept staff opinion. The motion was seconded by Roland Graves. Sean Maguire recused himself. The motion was approved by the board.

Case #01-1712292

1211 Western Avenue, Albany

Site Plan Review and Special Use Permit for construction of a (6) six story, 206,756 s.f., 327 group living facility. An existing 12,036 s.f. commercial structure will be demolished in order to accommodate the proposed construction.

Staff opinion is to disapprove without prejudice.

The proposed project is out of character and would have an undesirable change to the surrounding land uses and roads.

The project submitted is near 100% lot coverage with no stormwater management plan.

This project may bring undesirable increase in traffic to Western Avenue to an area that is already noted with vehicular safety concerns. Due to these concerns a red light camera was installed in this vicinity in 2015.

Albany County Planning Board based their comment below from recommendation by the Albany County Department of Public Works.

- The ACPB is questioning the assumptions in the traffic study.
 - Student housing at Schenectady County Community College (SCCC) is 500 feet from the college building, closer than much of the college's parking lots. This project is ¾-1 ¼ miles from the SUNY classrooms.
 - The student population in a two-year community college may not be representative of the student population at a university.

Public Comments:

Tom Howie-Councilman Elect stated a project like this needs community approval, there has been no public hearing.

Since the project is less than one acre there is no stormwater plan

The sewer is full, DEC put a moratorium on more things going into the storm drain

Steve Burke-presented a packet (that is included in the minutes)

Keith Reynolds-Project is too big for the area, there is nothing this large in this part of Albany, the closest is almost to Lark Street.

Nancy Harrigan-41 year resident, has made a conscious effort to live in the City of Albany and we depend on people like the planning board to protect the residents from projects like this. Concerned about pollution and urges the board to reject the project.

Paul Miller-Project does not fit the area, please reject it.

Amy Lolik-3rd generation on the road. National Grid recently dug up the gas line, that process took a while, the road just got fixed. What will happen to the infrastructure and increased traffic when SUNY increases in size?

Juliet Turner-The area has all of the great things about city life yet it is still a quiet neighborhood.

Kathy Johnston-Please advocate for us and reject this project. The building will block out the sun on our road, overload the storm drains and roadways.

Wendy Gibson-They moved from downtown Albany to this neighborhood and this building will loom over the neighborhood and their yard. Extra traffic, bright lights, please oppose the project.

Roland Graves commented the building is too high for that part of the city, adding 300+ vehicles to into the daily traffic is too much, project is too dense.

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 01-17122901

Sandidge Way Apts

1 & 2 Sandidge Way, Albany

Site Plan Review-Applicant proposes to construct 252 units of multi-family housing in 7, four story buildings over garage. Parking in the garages will total 188 spaces and surface parking will provide 213 spaces. Total parking provided will be 401 spaces. Common space and a rental office will be provided on the ground floor of a building with frontage on Fuller Road.

*ACPB reviewed this case in December 2016.

ACPB Recommendation: Disapprove

Advisory Note: The Albany County Planning Board has reviewed similar development proposals in the past regarding rezoning of the subject site. This Board remains concerned with the overall impact associated with the significant increase in site density, especially neighboring residential homes in the Town of Guilderland and traffic along Fuller Road/CR 156. While the state's use and development of its properties are not subject to the oversight of this Board, other private development is at this location. As such, we remain committed to considering the cumulative impacts associated with an increase in development density at this location. The increased density only adds to the current challenges along this county road associated with the development at the University at Albany and SUNY Poly.

This Board also believes that the City failed to submit a complete referral. On December 15, 2017, the City of Albany's Deputy Director of Planning and Development, Bradley Glass, submitted via email a traffic study for this Board to consider for this case. The information was received after the deadline for submissions to the Board. However, this Board has exercised its discretion to consider the materials received late in its review.

The Board would like to reiterate its position regarding the scale of development proposed at this site:

- This Board reviewed case #1-160702593 for 173 apartments in 5 building and concluded that the proposed development was too dense and recommended "Disapproval without prejudice". The current proposal is for 252 units. This proposal includes a 30% increase in units.
- The Board also reviewed case #1-161202695 for the City's Unified Sustainable Development Ordinance. While the Board did not disapprove the ordinance overall, it was modified to include a reduction in density at Sandidge Way. The City did not override this Board's decision and instead, suggested that the local law as proposed did comply with our recommendation. That action was inconsistent with this Board's recommendation, regardless of the City's explanation as to why it believed that it was consistent with our modification recommendation.
- The SUNY Poly Campus on the west side of CR 156 has limited access to surrounding roadways and uses CR 156 as its main access. The most recent traffic analysis completed for the expansion of a parking garage and a student housing building along Tri-Centennial Drive on the campus predicted low levels of service at the roundabout on CR 156 at the PM peak because of the projects.
- Albany County Planning Board based their comment below from recommendation by the Albany County Department of Public Works.

o The ACPB does not accept the submitted traffic study based on the following:

The Board remains concerned the submitted traffic study failed to examine the impact on the intersections south of Alumni Drive which include the existing single-family residential homes. The submitted traffic study used Land Use Code 221 Multi-family housing (mid-rise) for trip generation. As noted in the planning board meeting this is more common in denser, urbanized locations with more walkability and transit. ACPB recommends that past LUC standards be applied to the traffic study. Past standard LUC #220, Apartments, would be more appropriate in this car-dependent neighborhood. That will increase trip generation from 85 AM and 108 PM to 129 AM and 156 PM.

The Albany County traffic counts on Fuller Road show much higher historical growth than the 1% background growth used in the traffic study. Albany County shows a 5.8% annual growth between 2007 and 2013 counts, and 6.4% between 2013 and 2017. This includes significant traffic generated by SUNY Nano and may not continue into the future depending on expansion.

The traffic study is claiming that this is not a major commercial development based on trip generation. Our policy for minor commercial developments is to allow a single driveway or a one-way access pair unless additional access can be justified.

Signalization of Alumni Drive is anticipated under the CDTA Purple Line project. The traffic study should reflect this.

The effects of this project on CDTA Purple Line operations should be considered, and CDTA and their engineer(s) should have an opportunity to comment on the traffic report.

The traffic study does not discuss traffic safety. NYSDOT average crash rates for T intersections on three-lane roads is 0.18 crashes per million entering vehicles, and 0.29 Cr/MEV for four-leg intersections, or 61% higher. It is the Albany County Planning Board's opinion that the County should not allow the southerly driveway unless Alumni Drive is closed to through traffic as CDTA proposes.

SUNY Poly stated they are currently seeking partner(s) to occupy existing space. They hope to finalize these partnership(s) in 2018. When this partnership is finalized SUNY Poly anticipates a workforce increase from 2,700 to 3,700 from years 2018 to 2022. These assumptions should be included in the traffic study.

- CR 156 is an important principle arterial between SR 20 and Washington Avenue. Due to its physical conditions, this roadway has limited potential of being expanded to accommodate increased traffic from surrounding development. The lack of a direct connection between I-87 and Washington Avenue traffic cannot be diverted to alternate routes.

- Further, the proposed multifamily buildings are urban in scale due to the 5-story design and small setbacks from the property lines.

- The adjacent Town of Guilderland has established single family residential neighborhoods to the south of Sandidge Way. These neighborhoods have had issues with groundwater and surface water on their properties due to the build-out of surrounding lands. Currently the CR 156 drainage system's capacity is reduced due to the infiltration of groundwater throughout much of the year, as well as continual flow of surface water from the surrounding area during wetter conditions. These conditions are due to a high-water table in the area. Transferring runoff from development projects into the ground does not remove it from the system; the water re-emerges near the adjacent sites. The TOG has secured a \$3.25 million dollar grant in State Funds to address the flooding of homes on the Warren, Mercer and Providence Streets. This remedial work, which is scheduled to begin in Spring 2018, could be severely impacted by the proposed apartment complex. The proposed

stormwater management plan for this project should be sent to the Town of Guilderland for their review and comment as there might be possible impacts to their upcoming groundwater remediation project.

Spencer Jones from Dawn Homes addressed the board.

In 2016 Dawn Homes met with 2 neighborhood associations. There are changes from the last time the project was proposed, the footprint has grown, they acquired land from the cemetery but that is not going to be developed and they are working on acquiring 2 other parcels.

There is a new curb cut coming from the site.

The site distance is in the 85th percentile, which exceeds the recommended sited distance; the speed limit is 40 MPH, they will remove vegetation, SUNY is also changing Alumni Drive to a bus only road and installing a traffic light, which will also benefit Sandidge Way.

Sean Maguire asked if the City of Albany required a traffic study.

Dan Hershberg said that they obtained CME to do a traffic study.

Sean Maguire said that many of his concerns about the traffic have not been addressed

Dominic Rigosu read comments submitted by Jim Mearkle, the Albany County Traffic Safety Engineer

1. CME used Land Use Code 221 Multi-family housing (mid-rise) for trip generation. Mid-rise buildings are more common in denser, urbanized locations with more walkability and transit. LUC #220, Apartments, would be more appropriate in this car-dependent neighborhood. That will increase trip generation from 85 AM and 108 PM to 129 AM and 156 PM.
2. Our traffic counts on Fuller Road show much higher historical growth than the 1% background growth they use in their forecast. We show 5.8% annual growth between our 2007 and 2013 counts, and 6.4% between 2013 and their 2017 count. This includes a lot of SUNY Nano traffic though, and may not continue into the future. CDTC's Chris O'Neill says 0.2 to 1% is probable, barring future expansion.
3. The consultant is claiming that this is not a major commercial development based on trip generation. Our policy for minor commercial developments is to allow a single driveway or a one-way pair unless additional access can be justified.
4. Signalization of Alumni Drive is anticipated under the CDTA Purple Line project. The traffic study should reflect this.
5. The effects of this project on Purple Line operations should be considered, and CDTA and their engineer should have an opportunity to comment on the traffic report.
6. The traffic study does not discuss traffic safety at all. NYSDOT average crash rates for T intersections on three-lane roads is 0.18 crashes per million entering vehicles, and 0.29 Cr/MEV for four-leg intersections, or 61% higher. In my opinion, we should not allow the southerly driveway unless Alumni Drive is closed to through traffic as CDTA proposes.

Dan Hershberg addressed the stormwater issue-there will be porous pavement, currently there is non-porous pavement on Sandidge Way. There will be a catch basin for stormwater discharge. Removing the current driveways will reduce discharge going into the current system by 60% and the rest of the stormwater will go into the new system.

The SWPP they will submit will be designed to exceed a 100 year storm. The system will also benefit the area near Stuyvesant Plaza.

Bill Anslow asked who will maintain the stormwater system?

Dan Hershberg says that the system is self-maintaining.

Dominic Rigosu shared comments from the Town of Guilderland.

Concerned this project will flood surrounding neighborhoods even more. The town just got a grant to mediate the flooding in that area.

Dan Hershberg insisted the project will not affect ground water in the area. He claims the soil in McKownville is naturally impervious.

Public Comments:

Mike Lawler-Flooding is a major concern his house flooding, the drainage in the area is poor. He had water pouring into his basement for 2 weeks about 5 years ago and it caused \$10,000 in damage, his neighbor had a similar problem.

Concerns with traffic and public safety since there is only going to be one main egress.

Don Reeb-He endorses the McKownville Association and Peter Barber's letters.

The traffic study measures intersections, which only measures the traffic that uses the intersections, not the traffic that avoids the intersections.

Currently 138 cars on Mercer, Providence and Warren Streets. Adding 252 units with less access to Fuller Road will be very dangerous.

Paul Miller-Volunteer fire fighter says the area is very congested the development will cause major delays in emergency vehicles getting thru.

Water and sediment from the trenches to the reservoir will be problematic.

Tom Hoey-Works for SUNY and says that Alumni Drive is a little known road that really doesn't get used.

Going to Stuyvesant Plaza trying to get out is very difficult. The traffic circle and pedestrians are difficult as well, people don't know how to navigate the circle.

Also concerned about the soil being like a sponge and causing more flooding to the area.

Martha Harowitz-Lives on Western Avenue the traffic is very intense and to just say "it's only 300 more cars" is crazy.

Finds it comical that they plan to use a parking area as a roadway. It will be busy, there will be deliveries adding to the traffic and people walk thru the area for leisure not to run errands. Very opposed to the project.

Carol Waterman-Peak traffic times trying to turn off of Warren is nearly impossible. She wants to thank ACPB for disapproving the project last year.

The project is not compatible with the neighborhood, it will destroy the environment and not help the drainage situation. The students can barely cross Fuller Road now, what will happen with more traffic.

Ellen Manning-Asking us to clarify if last year this was up before ACPB for zoning and is the density the same for the new zoning? She feels the density is too much and feels the current proposal should be disapproved, they have added 79 units. The project will put pressure on the commuters and residents. Feels the property was acquired under sketchy circumstances.

Board Discussion:

Enzo Sofia says he is no traffic engineer and suggested perhaps a third party should be consulted to conduct a non-biased study. Very concerned about the effect this will have on Central and Western Avenue, ingress/egress and the drainage.

Roland Graves agrees with Enzo, not build out, need more of a traffic study and a secondary egress because that is not really a road it is a parking lot.

Jessie Albert from Dawn Homes addressed the board, and said this is a standard for a parking lot to be banked on drive thru roads.

Dan Hershberg said the redesign has parking on only one side of the road because the City Planning Board asked they change the original parking design.

Roland asked if this will be done in stages.

Dan Hershberg said they would like to start construction next year.

Enzo said that Town of Colonie should be notified and put in their opinion.

Dominic Rigosu said the same time last year this was before the board with only 170 units. The board disapproved last year.

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

Case#10-17122903

Deborah and Joseph Ritano

6232 Johnston Road, Guilderland

Site Plan Review and Special Use Permit

Construction of a (6) Story 206,756 s.f. 327 group living facility. (originally submitted August 2017)

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 be 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 outlined 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. 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 Enzo Sofia and unanimously approved by the board.

GML 239 CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Enzo Sofia made a motion to consider the 15 cases recommended for defer to local consideration. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #01-17122904

Callanan/Clemente

850 S. Pearl Street, Albany

Site Plan Review-A concrete batch plant it to be constructed with dimensions of approximately 10.5'x44' and is approximately 140' long. Existing aggregate piles will be augmented with stockpile storage area partitions located on the southwest portion of the site. Existing bins for aggregate storage and the current plant will not be moved and will remain.

*case # 17122905 is also on the agenda and is the same project

Case #01-17122905

Callanan/Clemente

850 S. Pearl Street, Albany

Area Variance-A concrete batch plant it to be constructed with dimensions of approximately 10.5'x44' and is approximately 140' long. Existing aggregate piles will be augmented with stockpile storage area partitions located on the southwest portion of the site. Existing bins for aggregate storage and the current plant will not be moved and will remain.

*case # 17122904 is also on the agenda and is the same project

Case #07-17122906

Leece Office Building

1209 Troy Schenectady Road, Latham

Site Plan Review-Raze an existing home and replace with a three story 17,949 s.f. office building.

Case #07-17122907

Real Estate Office Expansion

Handicap Ramp and Parking Expansion

(change of use)

Site Plan Review-Change of use from residence to a real estate office. Addition of handicap ramp, new handicap parking space to front of building. No change to ingress/egress or curb cut.

Case #15-17122908

Rensselaerville

Town-Wide

Proposed local law amending fees schedule including zoning related fees.

Case #04-17122909

Stewart's Shops

309 Delaware Avenue, Delmar

Site Plan Amendment-175 s.f add to rear of existing store, upgrade exit lighting to LED, install bollards in each (18) parking spaces. Revision was made per ACPB request for a drywell to runoff from new roof area. No changes to ingress/egress, replace old sidewalk.

Case #04-17122910

Keystone West Apartments

653-65 Delaware Avenue, Delmar

Site Plan Review-3 (2 unit) apartment buildings, with 3 bay detached garage, 13 parking spaces. There is an existing ingress/egress off of Delaware Ave, it will be widened.

Case -#04-17122911

Brewtus Roasting

20 Hallwood Road, Delmar

Certificate of Occupancy-Current vacant space, no changes to the exterior except the sign. Hours Mon-Sat 7 am to 1 pm-Events a couple times a month. Part of the space will be a tasting room and the remaining area will be for roasting and manufacturing.

Case #04-17122912

Disgiusepee Barber Studio

577 Pearse Road, Colonie

Use Variance-The proposed Home Occupation Level II a barber/Beauty Studio and Hair Restoration Center in a Single Family Residential Zoning District, is not compliant with the home occupation standards as stated in the Town of Colonie Land Use Law.

Case #07-17122913

Crisafulli Warehouse

348 Old Niskayuna Road, Colonie

Site Plan Review-Construction of a 63,752 s.f warehouse with office space, parking and loading areas and septic system. This will occur on a mostly vacant 5.5 acre lot, woods will be cleared and three existing sheds will be removed prior to construction.

Case #10-17122914

David Michael Schmidt

Renaissance Floral

1561 Western Avenue, Guilderland

Site Plan Review-Special Use Permit-Demolition of the existing above grade structure and construction of a new building and garage with associated parking.

Case #10-17122915

Serafini Builders

Old State Road, Guilderland

Special Use Permit-Construction of a two story mixed use building and garage with associated parking.

Case #10-17122916

Mill Hollow Two, LLC

5060 Western Avenue, Guilderland

Area Variance –To permit the placement of a monument sign five feet from the right of way.

Case #04-17122917

Innovative Solutions

454 River Road, Glenmont

Area Variance- New Signage to replace existing sign. New sign will be same size in the same location as existing that was pre-existing non-conforming 59.875"x168".

Case #04-17122918

Spinosa Subdivision

806 Route 9W

Lands of VanAllen Senior Apartments

Subdivision Review-Subdivide 2.85 acre parcel into 2 lots with frontage on 9W, ingress/egress from Route 9W. Lot 1 easement rights to use entrance-exit driveway of apartments for ingress/egress to Route 9W.

Meeting adjourned at 6:17 p.m.

The next Albany County Planning Board meeting will be held on Thursday, January 18, 2018, 3:30 pm at the Albany County Department of Public Works at 449 New Salem Road, Voorheesville, NY 12186.

