

Draft Minutes
Albany County Planning Board
February 16, 2017

Present:

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

Albany County Planning:

Leslie Lombardo

Minutes:

Janis Dunham Relyea

Guests:

Cynthia Elliot
Samantha Schools
John Deerstyne
Thomas McCann
Stanley Hayes
Emilio Genzano

A call to order:

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

Roland Graves made a motion to accept the minutes from the December 20, 2016 meeting. The motion was seconded by Sean Maguire and unanimously approved by the board.

Roland Graves made a motion to move cases 170202724 and 170202728 to the front of the agenda to accommodate the guests. The motion was seconded by Sean Maguire and unanimously approved by the board.

Case #4-170202724

Albany Medical Center

99 Delaware Avenue/SR 443, north side of SR 443, between Winslow and Mason Road, Delmar
Area variances from required number of parking spaces and providing less than the required percentage of landscaped area for parking lots for a proposed renovation and new use of an existing commercial building. Applicant is proposing new tenants for the building (out-patient physical therapy, medical office and general office) that requires an increased number of parking spaces and landscaping within the parking lot per town code. 131 spaces will be provided where 144 are required. Applicant states that 115 spaces are projected to be needed based on expected users in the building (patient counts). The property has 3 existing curb cuts to SR 443, applicant proposes 2 in order to gain more parking spaces. This project will have a site plan review by the planning board.

Staff opinion is to defer to local consideration.

Advisory Note:

1. The town may want to consider the need for a snow storage area to be shown on the plan or a provision by the applicant for removal of snow offsite if it can not be provided for on the property due to a parking variance approval.
2. If the curb cut to SR 443 on the western end of the property is shared with the adjacent bank property there should be a shared access agreement.

Stanley Hayes addressed the board. The site will be used for physical therapy, bariatric clinic and general office use. They are modifying the parking lot and eliminating a curb cut. Dominic Rigosu asked if the snow will be removed from the site, Emilio Genzano replied, snow is removed from all of AMC locations.

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

Case #13-170202728

Cynthia Elliot/Triple S Farms

20 Brownrigg Road, north side of Brownrigg Road, west of CR 308, New Scotland

Special use permit to allow the sale of products associated with a Christmas Tree Farm (wreaths, trees etc.) in an existing pavilion on the property during the year from October to December in conjunction with tree sales. The request is also to use the premises for an outdoor banquet facility for gatherings in the spring and summer months. Applicant states that weddings and banquets could accommodate 100-200 guests no more than 15 times per year. The property is located on a town road that is a dead end road off of CR 308. This referral was previously reviewed in December 2015 (case #13-15/12/2415). Since that time the applicant has done a sound study as required by the town and has included provision for a dry hydrant for fire safety purposes as per the local fire department. The town highway department has also concluded that the town road intersection at CR 308 does not need improvements.

Staff opinion is to defer to local consideration.

Advisory Note:

It is the authority of the local municipality to make the determination of whether or not an application falls under the definition or interpretation of an allowable special use permit under town zoning regulations.

Cynthia Elliot presented the board with a packet and asked Dominic Rigosu to time stamp the packet. Ms. Elliot did a brief over view of the site and proposed uses, including pavilion size and plan for using a tent to accommodate overflow guests. No cooking will be done on site, every event will be catered.

Enzo Sofia asked about bathrooms and water supply. There are 2 bathrooms that are handicap accessible, if more than 75 people will be on site more bathrooms will be rented.

Dominic Rigosu asked about fireworks. Cynthia Elliot said absolutely no fireworks.

Sean Maguire pointed out that all of the ACPB's concerns from the original application have been addressed.

John Deerstyne addressed the board; Mr. Deerstyne also submitted a letter to the board. He feels that this is an important case because of the precedent setting nature of this project. There are no restaurants or taverns on any Town Roads in the Town of New Scotland. Zoning laws are flawed when it comes to this type of a use. (PDF of the letter is attached)

Thomas McCann addressed the board. He lives on Unionville Road and that he and his neighbors are in opposition of this project. He could not think of any good reason to have this in the area that is residential, 40 houses on Unionville Road/CR 308. He feels they went for an inappropriate variance, has concerns about noise and traffic. Presented a petition signed by 33 residents. He also discussed the sound study that he feels was done in appropriately and is ethically flawed, stated it was not done by the appropriate people.

Cynthia Elliot addressed the board again she said that Indian Ladder Farms has the same application for the same use and they are located in the Town of New Scotland.

Dominic Rigosu addressed the guests, most of your concerns are town issues, the ACPB does not have the authority to address them, ACPB can only address what will impact the county or county highway.

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

A motion to move cases 170202737 and 170202738 to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #13-170202137

Kenneth Kelafant

1793 Tarrytown Road/CR 301, west side of CR 301, south of Groesbeck Road, New Scotland
Subdivision of 4.22 acres into 3 lots. Lot 1 will be 1.74 acres and has an existing residence. Lots 2 & 3 will be 1.24 acres and for future sale for residential use. The file includes an ag data statement. The subdivision map includes a note for the agricultural district uses and a note for requirement if more than one acre of land is disturbed. Lots 2 & 3 would require review for septic and wells and a driveway permit prior to building permit approval.

Staff opinion is to modify local approval to include:

1. Prior to building permit approval review by the ACDOH for water supply, waste water discharge and other required permits.
2. Prior to building approval review by the ACDPW for design of highway access, assessment of road capacity and drainage.

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

Case #13-170202738

Robert Fuglein

22 Fuglein Lane, east side of Tygert Road, New Scotland
Subdivision of 67.4 acres into two lots. Lot #1 will be 1.4 acres and lot #2 will be the remaining acreage. Lot 1 is planned for residential use. Access is from a town road. There is an agricultural data statement

in the file. There is an agricultural district note on the plat as well as the note for requirements for more than one acre of land disturbance.

Staff opinion is to modify local approval to include:

1. Prior to building permit approval a review by the Albany County Department of Health for water supply, waste water discharge and other required permits.

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

GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION

Roland Graves 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 Sean Maguire and unanimously approved by the board.

Case #1-170202723

Olena Lake

177 Elk Street

Area variance from maximum allowed lot coverage (50%) in order to construct a deck on an existing residential building. The property is located on a city street.

Case #7-170202725

Abdul Rasouly

214 Lishakill Road, west side of Lishakill Road, north side of Lansing Farm, Colonie

Use variance to allow space within an existing commercial building to be used as a dining area for an existing pizza restaurant located within the building. The space was previously used as a hair salon. The existing commercial building is located in the SFR zone. There is an existing parking lot and access to a town road.

Case #4-170202726

Vadney Estate-variance

Vadney Road, at the termination of Vadney Road, Delmar

Area variance from minimum road frontage requirement for lots created by a subdivision. Applicant seeks a 2 lot subdivision by creating a separate 2.56 acre lot from a large 60 acre property that will not have the required town road frontage, but has access by an easement/private driveway from a town road. The property has existing barns, no new development is shown. The property is in the agricultural district. An agricultural data statement is included in the file.

Case #4-170202729

DB SUNY Solar 1, LLC-variance

93 Bridge Street/SR 396, west side of Bridge Street and north of Speeder Road, Selkirk

Area variances from requirements for highway frontage, access and setbacks from property lines for construction of a commercial solar facility on 42 acres of a 72 acre property. The project will be located on the western half of a parcel that fronts on SR 396, but will provide access driveway to the south off of Speeder Road, which is a private road. The setback requirement to the north to an adjacent property is 120' the proposed setback to the solar array is 45'.

Case #10-170202731

Rosenblum Companies

310 Great Oaks Blvd, southeast corner of SR 20 Church Road, Guilderland

Ara variance from maximum allowed square footage for signs to allow a replacement sign for a commercial property that will exceed the required 30 s.f. per side allowed by code. The requested sign size is 43 s.f. per side.

Case #10-170202732

Northeastern Fine Jewelry

1575 Western Avenue/SR 20, between Church Road and Chapman Drive Guilderland

Area variance from maximum allowed sign square footage to allow a sign for a commercial business that will be 71.5 s.f. total where 50 s.f. maximum is allowed. The requested setback for the sign is 18' where 20' is required.

Case #10-170202733

Tarpon Towers II, LLC

5075 Hurst Road, east side of Hurst Road, west side of the railroad tracks, Guilderland

Special Use permit and use variance to allow a telecommunications tower (120' monopole) on a vacant property owned by the town of Guilderland in the RA-3 zoning district. The cell tower would be built within a fenced compound area (75'x75') leased from the town. The tower will include 12 antennas and related equipment and backup generator on the ground. Access will be from a town road.

Case #3-170202734

Porlier Subdivision Lot-line adjustment

1470 Hilltop Lane, north side of SR 157, across from Saw Mill Road, East Berne

A subdivision of 37.3 acres that is a lot line change. 23.4 acres will be divided off of the main parcel (owned by Porlier) and joined to an adjacent property to the east (owned by Alteri) that is 43.9 acres. The remaining lands of Porlier will be 13.8 acres. No new development is shown. Access is from a private road.

Case #13-170202739

Samuel Tommell

254 Stovepipe Road, east side of Stovepipe Road, south of Upper Flat Rock Road, New Scotland

Subdivision of 124 acres into two lots. Lot 1 will be 5 acres with an existing residence. Lot 2 will be the remaining lands. There is an agricultural data statement in the file. There is an ag note on the plat as well as a note for requirements of more than one acre of land disturbance.

GML CASES RECOMMENDED FOR MODIFICATION

Case #7-170202722

Trinity Realty Group

109 Wolf Road, east side of Wolf Road between Sand Creek Road and Computer Drive East, Colonie

Site plan for construction of a 7,250 s.f. building (2,900 s.f. restaurant & 4,450 s.f. retail use) with 96 parking spaces. The existing commercial building on the site will be demolished. The existing curb cuts to Wolf Road for this property and the adjacent property to the north (Wolf's 111 Restaurant) will be changed and combined to one curb cut to allow shared access. The parking lot for the Wolf's 111 Restaurant will be reconfigured to accommodate the shared access arrangement and will be open to the

new site's parking lot. Stormwater management practices will be used including porous pavement. The property is within the town Airport GEIS area and will be subject to mitigation fees.

Staff opinion is to modify local approval to include:

1. Review by the ACDOH for food service and other required permits.
2. 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 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 FAA (Form 7460-1 available from www.faa.gov) and notification to the Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.
4. Review by the NYSDOT 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 Enzo Sofia and unanimously approved by the board.

Case #7-170202727

Cumberland Farms

1157 Central Avenue/SR 5, northwest corner of Reynolds Street & SR 5, Colonie

Site plan for construction of a 4,786 s.f. convenient store with six fuel pump islands under a canopy. The existing hardware store (Phillips) and a residential structure on the property will be demolished. Access will be to SR 5 with one right turn-in only and one full service curb cut as well as access to the side street. 39 parking spaces are provided with an additional 9 spaces banked on the west side of the building and to the rear. A stormwater management area is shown at the rear of the site. The project was previously reviewed in 2015 for a special use permit by the ZBA. The size of the store and number of fuel islands has been reduced and the drive thru eliminated (case #7-15/11/2382).

Staff opinion is to modify local approval to include:

1. Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations.
2. 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 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 CDTA for comments on impact to the bus pullout located in front of the site and coordination with NYS DOT curb cut review.

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

Case #13-170202736

Town of New Scotland Local Law E of 2016-shipping containers

A local law that is an amendment to the zoning code to provide regulations regarding shipping containers, portable site storage containers, temporary storage containers and construction trailers. The amendments includes purpose, definitions and specific regulations for types of use and permitting procedures.

Staff opinion is to modify local approval to include:

1. Notification of the proposed local law should be sent to adjacent municipalities.

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 #7-170202740

Town of Colonie amendment to Land Use Law for solar energy uses

Amendment to Town Land Use Law Chapter 190 to incorporate language regulating solar energy equipment and facilities. The table of permitted uses is amended to show zones for use, definitions are provided for solar energy equipment and different type systems, regulations and standards are set for siting, development and decommissioning.

Staff opinion is to modify local approval to include:

1. Notification of the amendment should be sent to all adjacent municipalities.

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

Meeting adjourned at 4:42 p.m.

Albany County Planning Board meets again on Thursday, March 16, 2017 at 3:30 p.m. at the Albany County Department of Public Works conference room at 449 New Salem Road, Voorheesville, NY 12186.