

**Draft Minutes
Albany County Planning Board
January 19, 2017**

Present:

Dominic Rigosu, Acting Chair, Yomika Bennett, Roland Graves, Tim Garufi, William Anslow

Albany County Planning:

Leslie Lombardo

Minutes:

Janis Dunham Relyea

A call to order:

Dominic Rigosu called the meeting to order at 3:40 p.m.

Yomika Bennett made a motion to approve the minutes from the October 2016 meeting. The motion was seconded by Roland Graves and unanimously approved by the board.

GML CASES RECOMMENED FOR DEFER TO LOCAL CONSIDERATION

Roland Graves made a motion to move the 11 cases recommended for defer to local consideration to the front of the agenda and approve as is. The motion was seconded by Yomika Bennett and unanimously approved by the board.

Case #7-170102703

Robert Savoca

2194 Central Avenue/SR 5, south side of SR 5, between Arrow Street & Lansing Road South, Colonie
Site plan for construction of a two story, 3 unit apartment building (2,392 s.f.) on a property that has an existing 8 unit motel (2,142 s.f.) and a retail building (1,668 s.f.) that will remain. NO changes are proposed to the access to SR 5. The new apartment building will access a side street. A parking analysis is shown. Land disturbance is less than 5,000 s.f.

Case #10-170102706

Concordia Senior Housing Rezone

2298-2316 Western Avenue/SR 20, south east corner of SR 20 & Foundry Road, Guilderland
Rezoning of 12.96 acres from Local Business and RO40 (Residential 40,000 s.f.) to PUD (Planned Unit Development). The applicant is proposing a senior housing facility that will include both independent living units (71 units) and assisted living units (60 units). The facility will have access to both SR 20 and Foundry Road, a town road. The surrounding zoning is a mix of residential of residential along Foundry Road and business along SR 20. The site has steep slopes and was reviewed previously for a variance from the steep slope setback requirement in 2013 (case #10-13/8/1784).

Advisory Note: The town may want to consider a traffic analysis provided by the applicant for impacts to the town road and the signalized intersection with SR 20 before granting approval.

Case 10-170102707

Janice Hesler Rezone

6508 Vosburgh Road, east side of Vosburgh Road, 435' south of SR 20, Guilderland
Rezoning of .6 acres from R-20 single family residential to MR Multiple Residence. The property currently has a single family residence and detached garage with access to a town road. There is an apartment complex (Carpenters Village) located on adjacent property to the east, zoned MR. Other surrounding properties are single family homes and vacant land across the street zoned GB General Business. The land across Vosburgh Road zoned GB is proposed for rezoning to Multiple Residence as well by a different property owner (see case #10-17/1/2711 Viscusi Builders, Ltd on this agenda).

Advisory Note: The town should consider the precedent that will be set for surrounding properties on Vosburgh Road to make similar rezoning requires. The impact to the Vosburgh Road and SR 20 intersection should be considered for any necessary improvements from increased traffic as a result of rezoning.

Case #7-170102709

Nabiel Rinawai/Laguna Mini Mart Car Wash

610 Troy Schenectady Road/SR southeast corner of SR 7 & Rensselaer Ave, Latham

Area variance and use variance to allow an addition of a car wash building to an existing gas station and convenient store site. The car wash will be 1,338 s.f. and will have a 1' side yard setback where a 10' minimum is required. The adjacent property to the side yard is NYS right of way for SR 87. The car wash structure is also considered to be in the front yard, which is not permitted in the COR zone district. This project was previously reviewed for site plan for a smaller car wash that did not require a variance in October 2014 (case #7-14/10/2082). No changes are proposed to the access to SR 7.

Case #7-170102710

Abdul Rossouly

273 Watervliet Shaker Road/SR 155, north side of SR 155, between Bridgewood and Mahogany Drive, Colonie

Area variance from minimum front line width and minimum lot width at the building setback line in order to allow a two lot subdivision. The property is 1.6 acres and has an existing house and driveway to SR 155. Applicant is requesting a subdivision into two lots in order to build a second home on 20,000 s.f. lot leaving the existing house on a 50,000 s.f. lot. Due to topography, the shape of the lot and the needed driveway location as per NYS DOT; the variances are needed.

Case #10-170102711

Viscusi Builders

6517 & 6521 Vosburgh Road, southwest corner of SR 20 & Vosburgh Road, Guilderland

Rezoning of 10.2 acres from General Business (GB) to both Multiple Residence and General Business to allow construction of an apartment complex and two separate commercial lots. The site is made up of three tax lots. Two of the lots currently have single family homes, the other lot is vacant. The applicant is proposing to make lot line changes that will create three new tax lots. Two lots will remain in the General Business zone with frontage along SR 20 and be sized just under one acre each. The third parcel will be 8.5 acres and has the potential to be developed for 102 apartment units under the Multiple Residence zoning district.

A concept plan submitted shows 24 four-unit apartment buildings (96 units) with associated parking for 135 cars and the required 100' setbacks to the single family zoning line. Access is shown from both SR 20

and a town road. Surrounding zoning is single family to the west and south, Multiple Residence to the east and General Business and Local Business to the north along SR 20. The applicant has provided traffic summary counts for the apartment complex. There are federal wetlands on the site. The applicant does not propose a specific commercial development of the two new lots in the GB zone at this time.

Advisory Note: 1. The town should consider including with the approval of a zone change the condition that stormwater management for all three newly proposed tax lots will be done under a "Larger Common Plan of Development" relative to the Stormwater Construction Permit. SPDES GP-0-15-002 (the Stormwater Construction General Permit) requires that in anticipation of the future development, permit coverage must be obtained at the first phase through filing of a Notice of Intent for all phases of the project, and post-construction stormwater management practices for the full proposed impervious area must be incorporated into the project design.

2. The town should consider applying conditions on the zone change approval that include mitigation of impacts to the Vosburgh Rd intersection with SR 20 as determined by the town and including cross access easements between the two commercial properties for better access management of traffic along this busy section of the state highway.

Case #7-170102712

Laura Louie

39 Kunker Avenue, north side of Kunker Ave, west side of SR 9, Latham

Area variance and use variance from minimum lot area, minimum lot width and lot frontage to allow an existing residence to be used as an accounting and legal services business. The lot is an existing non-conforming lot in the HCOR zone as the result of town zoning changes in 2007. Access to the property is from a town road.

Case #4-170102713

Air Products and Chemicals, Inc.

461 River Road/SR 144, northwest corner of Smultz Road & SR 144, Glenmont

Area variances from maximum height and rear yard setback to allow construction of new facility structures within an existing industrial plant in the Heavy Industrial zone. The industrial gas plant produces oxygen, nitrogen and argon and has been in operation for 40 years. The facility proposes upgrades and additions to equipment including construction of new holding tanks, and production towers in order to increase production at the facility. Four height variances are needed from the town code requirement of 60' height maximum for four new structures; a 180' cold box, 98' nitrogen holding tank, 76' cooler vessel and 67' liquefier box. A 120' cold box is already located within the facility by variance granted in 1974. A 25' rear yard setback is also requested from the 50' requirement to allow a structure to be built in the northwest corner of the property along the railroad tracks. The proposes additions to the facility will require site plan review.

Case #1-170102718

Emeka P. Thompson

569 Clinton Avenue, north side of Clinton, approx. 150' west of North Lake Street, Albany

Use variance to allow an existing vacant residential structure to be used as a 3 unit apartment building in the 2 family zoning district. The building is located on a city street.

Case #1-170102719

William Decker Sr.

2 Sprague Place, east side of Sprague Place, between Western Ave and State Street, Albany
Use variance to allow an existing vacant residential building to be used as a 6 unit apartment building in the 2 family zoning district. Applicant states that the building was previously used for 6 units. Access is from city streets.

Case #2-170102721

The Natural Path Sign

100 Main Street/SR 146, north side of SR 146, across from Arlington Street, Altamont
Site plan for installation of a sign (2'x 8') on the front of a façade of a building in the business zone.

GML CASES RECOMMENDED FOR MODIFICATION

Case #7-170102700

33 Fuller Road Redevelopment

33 Fuller Road/CR 156, southwest corner CR 156 & Katherine Road, Colonie

Site plan for renovation and conversion of an existing vacant motel (21 units) to a 5 unit apartment building with one 1,300 s.f. commercial space. The building footprint will remain (4,830 s.f.), but an additional 2,016 s.f. will be added to the existing partial second floor at the back end of the building. The completed gross square footage will be 8,190 s.f. There are currently 12 parking spaces provided and they will remain. There is no access to CR 156, the parking spaces are all open to the side street and will back out into the town road. The building and the parking area take up most of the .23 acre lot.

Staff opinion is to Modify local approval to include:

1.The town should consider removing parking space #12 shown on the site plan, due to the close proximity to the intersection with Fuller Rd/CR 156 for traffic safety reasons. The new Stewart's Shops project across the street on Katherine Rd. will be generating a lot more traffic to the Katherine Rd/CR 156 intersection and cars should not be backing out in this area.

2.The applicant should be advised that it is Albany County DPW’s policy that there shall be no net increase in drainage to its system on CR 156 (Fuller Road). The configuration of downspouts from the changes to the roof line warrants careful consideration given the close proximity of the building to the road.

3.The town should ensure that enough parking spaces are provided for all of the uses in the building.

Advisory: AC DPW Engineering would like to coordinate with the town regarding the issues of replacing the temporary asphalt sidewalk with a new, 5’concrete sidewalk along CR 156 in front of the building. A new concrete sidewalk would make the connection with the existing sidewalk on either side of the property in order to have a contiguous sidewalk along Fuller Road.

The property owner could provide a small green space or landscaping where the proposed sidewalk is shown on the plan against the building along CR 156.

Discussion: The location along Fuller Rd was discussed, the nearby development of the convenient store, the previous fee takings for sidewalks along Fuller, the need to make the improvements here to make the sidewalks continuous.

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

Case #7-170102701

O'Boys Distilling, LLC

918 Albany Shaker Road/CR 151, west side of CR 151, north of British American Blvd, Colonie
Site plan for renovation and conversion of an existing commercial building previously used as a car rental business to a craft distillery for spirits for both retail sale and off site wholesale distribution. The property has an existing access driveway to CR 151. Parking for 10 cars is shown on the site around the building. There is also a fenced, gravel parking lot at the rear of the property that is shown as banked parking and employee parking. An existing stormwater management basin is shown on the plan. No changes to the existing access to CR 151 are shown. This project was previously reviewed for a use variance in November 2016 (case #7-16/11/2680). Applicant states that no kitchen is provided and no food sales will be made on site.

Staff opinion is to modify local approval to include:

1. All necessary license and permits from NYS Liquor Authority for the distillery business.

Discussion: the site, the existing conditions, the changes to the parking lot were discussed.

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

Case #3-170102702

Catherin Froman

Willsie Road/CR 3, just north of 200 Willsie Road on the east side, Berne

Area variance from minimum road frontage requirement to allow a subdivision of land that would create a lot with 62' of road frontage where 300' is required. The property is currently two lots that are non-contiguous. The lot that requires the variance is approximately 13.7 acres of the 24.5 acre property recorded on the tax map.

Staff opinion is to disapprove without prejudice.

The town should not approve significant area variances from road frontage requirements in order to create lots. The property owner has the option of pursuing a partial land swap or purchase of land from an adjacent owner in order to come into compliance with road frontage minimums. The ZBA should follow required criteria for area variances as per NYS Town Law 267-b 3.

Discussion: site distance and location of the property were discussed, the precedent setting impact of significant frontage variance, the self-imposed condition of the lot layouts.

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

Case #10-170102704

Kuehnert Subdivision

6732 Dunnsville Road/SR 397, west side of SR 397, north of Becker Road, Altamont

Subdivision of 58 acres into two lots. One lot will be 7.37 acres and will be sold for a proposed residence, the second lot is the remaining lands. The proposed 7 acre lots show a proposed driveway to SR 397, as well as a proposed well and septic system. The property is located within the agricultural district. There are steep slopes that bisect the site.

Staff opinion is to modify local approval to include:

1. Prior to building permit approval for the 7 acre lot; the location of wells and septic should be approved by Albany County Department of Health.
2. The subdivision plat should include a note that the property being subdivided is located within 500' of a farm operation in the County Agricultural District as per Albany County Right to Farm Law 2007.
3. 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.
4. The land owner of the subdivision should notify purchasers of the lots that they must prepare a SWPPP for erosion and sediment control, if construction disturbs more than one acre of land. (Disturbance includes the driveway for a single family home and a septic field). This is part of NY SPDES GP-0-15-002. The DEC website has more information.
5. Review by the NYS DOT for design of highway access, drainage and assessment of road capacity.

Advisory Note: The subdivision map incorrectly labels Dunnsville Road as Albany County Route 397, it is a state road.

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

Case #3-170102705

Town of Berne Comprehensive Plan

Town-wide

A comprehensive plan for the Town of Berne. The town hired a consultant with grant monies to write a comprehensive plan with the assistance of a town residents plan committee. Workshops and surveys were done to involve the public. The plan is meant to be an update of the Town 1992 Master Plan. The plan states a vision for the future as a rural community, with an agricultural economy, interested in protection of farmland, open space and natural resources. There are seven goals that are established under the plan and a section that details how to meet the goals through implementation of specific recommendations. The plan also includes a section on the town's efforts to develop an agricultural and farmland protection plan.

Staff opinion is to modify local approval to include:

1. Notification of the adoption of the comprehensive plan should be sent to all adjacent municipalities

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

Case #10-170102708

Town of Guilderland-Local Law #7 2016-Zoning Code Amendments for Industrial Districts Amendments to the town zoning ordinance chapter 280-5 Definitions, 280-22 Industrial District and 280-23 Industrial Park District. The definitions section will be changed by changing the name for Heavy Manufacturing to Hazardous Manufacturing, defining it and prohibiting it. The name of Light Manufacturing is changed to Manufacturing and the definition is clarified.

Staff opinion is to modify local approval to include:

1. Notification of the application should be sent to adjacent municipalities

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

Case #4-170102715

Coeymans Recycling Center, LLC DBA Coeymans Industrial Park

126 Port Road South, along Hudson River, Bethlehem

Site plan for mooring of a temporary spud or breasting barge (50' x 250') in the Hudson River along the frontage of an existing industrial property and simultaneously construct a permanent trestle system and inlet channel as required by NYS DEC. The purpose of the temporary barge and future trestle system is to provide access to deeper waters for the loading of ships. Applicant's facility will be used to load pre-cast concrete slabs for use in the NYC area. Ten to twelve trucks will make delivery to the site every day. Access to the site is from Port Road South which has access to South Port Road that accesses SR 144/32.

The temporary barge will be connected to land by two temporary bridges connected to headwalls to be constructed on the shoreline. The applicant's DEC permit states that the barge will be used until November of 2017. The barge will be anchored to the bottom of the river. Approximately 250' of shoreline will be cleared and stabilized with rip rap material. The site is located in the floodplain and within a designated federal wetlands area.

The project requires review by multiple agencies for compliance with environmental regulations due to the location in the Hudson River. As a result of the first review for the temporary barge NYS DEC is requiring a permanent structure to load ships from the shoreline rather than the barge. The temporary barge will be removed once the trestle system, inlet channel and loading crane are in place. ACPB previously reviewed the temporary barge site plan in May 2016 (case #4-16/5/2539).

Staff opinion is to modify local approval to include:

1. Any necessary review and approval by the New York State Department of Environmental Conservation to meet DEC permit conditions.
2. Notification of the application should be sent to the adjacent municipality, City of Albany.
3. Notification of the application should be sent to the Albany Port District Commission.
4. Continued review and approval for compliance by NY State Department of State Coastal Management Program.
5. Continued review and approval by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

6. Notification should be given to the local fire department for the addition of the barge to the property which will be in use until the trestle system is built.

Discussion: The previous referral for the site plan and the difference with the new site plan was discussed; the reasons for the changes, the location, the access, the type of use were all discussed.

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

Case #18-170102716

Tarpon Towers II LLC/Verizon Wireless

512 CR 405, northeast side of CR 405, approx. 1,600' east of CR 414, Westerlo

Site plan and special use permit to allow construction of a telecommunications tower (120' monopole with 4' lighting rod) on a .76 leased acre within a 69 acre property. The tower will have 12 panel antennas and includes equipment cabinets and a back up generator within a fenced compound area. Power and telephone service will be routed to the site underground on an easement from CR 405. Driveway access to the site will be built from CR 405. The area of the property that the driveway will be built on has steep slopes.

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. AC DPW Engineering will need more detailed information for sighting the driveway access to CR 405 and determining the impact to the drainage system. The applicant should contact AC DPW Engineering.

2. The Albany County Planning Board recommends that notification of this application should be provided to any municipality in the effective service area of the proposed facility in order to facilitate intermunicipal coordination and potential co-location of future telecommunications facilities.

3. The applicant should provide information for any requirements from the FAA for any lighting that may be needed at the top of the tower for safety reasons.

Discussion: the location, the access driveway to the county road and the topography were discussed.

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

Case #10-170102717

Cumberland Farms, Inc

2430 & 2444 Western Avenue/SR 20, southeast corner of SR 20 & SR 146, Guilderland

Special use permit and area variances to allow construction of a 4,786 s.f. convenient store with 5 fuel islands and a canopy and future car wash building (2,150 s.f.). Area variances are needed from the side and rear yard setbacks and building height. A 75' side yard is required, a 40.3' setback to the car wash will be provided. A 75' rear yard setback is required, 69' will be given to the convenient store building. Maximum building height is 20', 23' is proposed. 40 parking spaces will be provided. Access to the site is from both SR 146 and SR 20.

Staff opinion is to modify local approval to include:

1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.

2. A Notice of Intent filed with the New York State Department of Environmental Conservation 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 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.

3. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

Discussion: the location along SR 20, the existing conditions and previous use of the property, the access to state roads were discussed.

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

Case #3-170102720

Garry Minor Subdivision

619 Joslyn School Road/CR 14, west side of CR 14, between SR 443 & Brookhaven Drive, East Berne Subdivision of 140 acres into two lots. One lot will be 8.6 acres and shows a proposed house and septic field with a driveway to CR 14. The second lot is the remaining 121.4 acres which is undeveloped. There is an agricultural data statement in the file. There is a note on the plat for the requirements of land disturbance and the agricultural district.

Staff opinion is to modify local approval to include:

1. Before a building permit is issued a final approval for the septic system and well from Albany County Department of Health.
2. Before a building permit is issued a review of the driveway by ACDPW Engineering should be made.

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

Meeting adjourned at 4:10 p.m.

Albany County Planning Board meets again on Thursday, February 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.