

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

**Present:**

Dominic Rigosu, Acting Chair, William Anslow, Yomika Bennett, Roland Graves, Sean Maguire, Lisa Ramundo, David Reilly, Enzo Sofia, Jim Mearkle, Dave Kubek.

**Minutes:**

Janis Dunham Relyea

**Guests:**

Glenn Hebert, Village of Voorheesville  
Greg Shields, 2020 Western Ave  
Elizabeth Shields, 2020 Western Ave  
Gianna Aiezza-Starbuck Island  
Nicole Brower-224 Delaware  
Andrew Leja-224 Delaware  
Jody Snatiago-Starbuck Island  
Steve Boicvert-Starbuck Island  
Adam Schultz-Starbuck Island  
Darren Anton-2020 Western Ave  
Michael Doswa-2020 Western Ave  
Bryan Clenahan-2020 Western Ave

**A call to order:**

Dominic Rigosu called the meeting to order at 3:32 p.m.

Sean Maguire made a motion to accept the meeting minutes from the September 21, 2017 meeting. The motion was seconded by Roland Graves and unanimously approved by the board.

Roland Graves made a motion to accept the meeting minutes from the August 17, 2017 meeting. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Sean Maguire made a motion to accept the meeting minutes from the July 27, 2017 meeting. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Sean Maguire made a motion to move case #16-17102887 to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #16-17102887**

Beirnacki Warehouse Addition  
70 Voorheesville Avenue, Voorheesville

Area Variance-Addition to a warehouse with a 46' rear setback.

Staff opinion is to defer to local consideration.

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

Sean Maguire made a motion to hear case #09-17102880 second. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #09-17102880**

Starbuck Island Redevelopment  
Osgood Avenue, Green Island

Site Plan Review-multi use development project 11.5 acres. Four (4) multifamily residential buildings comprising of approximately 270 dwelling units. Residential accessory uses including swimming pool, pool house and tennis courts.

Ten (10) foot wide boardwalk spanning the eastern shoreline and a community amphitheater.

Development of a commercial marina and docking area along the eastern shoreline of the premises and renovations to the existing marina at the southern end of the premises.

Staff opinion is to modify local approval to include:

1. A notice of intent filed with 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).
2. Review by NYSDOT for design of highway access, drainage and assessment of road capacity.

Advisory Note:

1. Consider improving street vista along Green Island Bridge by bringing the building(s) closer to the street.
2. Recommend adding designated area to the site plan for a concrete washout area as part of SWPP for phase III and IV.

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

Sean Maguire made a motion to hear case #10-17102877 third. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #10-17102877**

Sun Mark Federal Credit Union  
2020 Western Avenue, Guilderland

Re-Zone application change from BNRP to LB for the purpose of constructing a financial institution with a drive thru.

Dominic Rigosu recused himself from this case.

Elizabeth Shields addressed the board. She lives in the neighborhood which is small and has a Catholic School and Church, it's a family neighborhood, this will increase the traffic, keeping it zoned BNRP is more appropriate for the area. The project does not match the comprehensive plan.

Michael Doswa addressed the board. New to the neighborhood, but has concerns about the traffic the credit union could generate and thinks even more cars will cut thru to avoid SR 155/20 intersection.

Greg Shields addressed the board. Concerned with the traffic an ATM will generate.

Darren Anton addressed the board. He feels the traffic will be horrendous and a credit union is not an appropriate use.

Bryan Clenahan addressed the board. This is in his legislative district and has concerns about the more intense use a credit union will have, bank traffic, drive thru. The site borders 4 streets. Feels as though this is spot zoning and is very opposed to the project.

Dominc Rigosu addressed the board as a resident, he also submitted a letter to the board. Mezze Note has a lease agreement for parking on the site after 5:00 pm, the original lease was for 37 parking spaces in 2008 was reduced to 29, the neighborhood often over flows with cars parked for Mezze Note. This is the 8<sup>th</sup> most accident prone site on from SR 155 to I 87. The site currently has 80 cars per hour, bank should generate 244 per day double that on Thursday or Friday.

Sean Magiure is concerned about the zoning change, he said there is a reason the Town has it zoned the way it is.

Roland Graves agrees, this is not a good plan for that location, not an appropriate use. Does not go with the comprehensive plan.

The county wide impact is more strain on the traffic for Western Ave and 155.

Staff recommendation disapprove:

The proposed re-zone of 2020 Western Avenue will not comply with Town of Guilderland Comprehensive Plan 2000 and would have an undesirable change to the surrounding land uses and roads as follows:

The proposed re-zone does not comply with page IV-27 Town of Guilderland Comprehensive Plan 2000. It states "...future non-residential uses in the Route 20 corridor should include office, commercial non-retail, and possibly very low impact light industrial uses." Current zoning complies with the comprehensive plan.

Rezoning of the property would require a 40'-0" rear yard setback as per Town of Guilderland's Zoning Section 280.7.C. It states "Where a lot in the LB District adjoins a Residential District, then the side and rear yard setback shall be a minimum 40'." The site plan submitted shows a 35'-0" encroachment. This board deems this a significant variance.

The proposed design does not comply with page IV-20 of the TOG's Comprehensive Plan 2000. It states "During site plan review for new development and application for change of use, land use conflicts should be addressed through adequate buffering."

There is a parking lease agreement between MezzaNotte Restaurant located at 2026 Western Ave and the current building owner at 2020-2022 Western Avenue. It is this board's understanding that MezzaNotte has a lease for the exclusive use of the entire (37 parking spaces) parking lot after 5:00 pm as noted in the Memorandum of Lease agreement on file with the Albany County Hall of Records. The proposed site plan is showing 29 parking spaces. This is a 20% reduction in parking. In addition, it appears the applicant has extended hours on Thursdays and Fridays to 6:00 pm. These hours will conflict with the hours of operation of MezzaNotte. Any reduced parking for MezzaNotte will force patrons to park along the adjoining residential streets.

The proposed credit union's peak traffic trips will be between 4:00pm and 6:00pm. This will also coincide with Christ the King Early Childhood Center's and religious education peak pick-up times. Along with rush hour traffic on SR 20, ingress and egress from the site will create undue traffic congestion and increase hazards at these intersections. The Westmere Corridor Study concluded that these intersections are the 8<sup>th</sup> most accident prone area along the SR20 corridor from I-87 to SR155. Change in zone to a LB – Local Business Retail will increase traffic trip generations. Residential streets: Sumter, Cornell and Seward will see an increase in traffic patterns as they are pass through roads connecting SR 20 to SR 155.

The proposed drive thru curb cut is in close proximity to the intersection of SR 20 and Sumter Avenue. Exiting traffic at this curb cut will impede traffic entering from SR20 on to Sumter Avenue or force traffic to turn right onto the residential street.

The proposed entrance from Cornell Street is in close proximity to SR 20. Any congestion at this intersection will impact traffic patterns on SR 20.

The proposed drive thru allows for stacking of one car. If two cars were to stack, it would impede parking lot traffic. Parking configurations should be designed to allow internal parking lot circulation to remain un-impeded.

The site plan shows an 18'-0" curb cut entering the site from Cornell Street. This is too narrow. It would create unwanted traffic congestions and allow traffic will back-up onto SR 20.

Yomika Bennet made a motion to disapprove. The motion was seconded by Enzo Sofia and disapproved by the board.

Roland Graves made a motion to discuss the project at 224 Delaware Ave 4<sup>th</sup>. The motion was seconded by Sean Maguire and unanimously approved by the board.

#### **Case #04-17072020**

Quality Holdings

224 Delaware Avenue, Delmar

14 unit apartment project update

The case was reviewed in July of 2017 and October of 2016. ACPB revisited the case at the request of Andrew Leja of Barclay Damon, who represent the neighbors opposing the project.

Dominic Rigosu has sent a letter to Rob Leslie at the Town of Bethlehem informing him that the board will be reviewing the case again in order to investigate claims of a possible cemetery and an oil containment tank. Rob Leslie has requested the applicant make more site changes.

The board will not be acting on this project at this time, as it is not appropriate for the board to do so, they will however ask the Town of Bethlehem to send the project to ACPB for review if there are significant site changes.

**Case #10-17102881**

Crossgates Mall – Spa Mirbeau

1 Crossgates Mall Road, Guilderland

Area Variance-Placement of a sign within 20' of the street. The sign exceeds 50 s.f.

Staff opinion is to defer to local consideration.

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

**Case #01-17102882**

Spectrum News

104 Watervliet Avenue Extension, Albany

Area Variance-Installation of a 32 s.f. wall sign.

Staff opinion is to defer to local consideration.

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

**Case #07-17102885**

Collett Mechanical Warehouse Addition

138 Sicker Road, Latham

Site Plan Review-Proposed 4,480 s.f. warehouse addition to an existing building. No changes to curb cuts proposed unless Albany County DPW or DOT recommends a change.

Staff opinion is to modify local approval to include:

1. Review by Albany County DPW for highway access design, drainage and road capacity.

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

The board did not take action on the following cases; the cases will all go back to the referring agency without comment or review.

**Case #01-17102865**

Bernadette Lochner

Area Variance-Installation of an 8 foot fence.

**Case #01-17102866**

Anthony Navojoksy

2 Woodridge Street, Albany  
Area Variance-Construction of a 550 s.f. accessory building.

**Case #04-17102867**

The Real McCoy Beer Co.  
20 Hallwood Road, Delmar  
Site Plan Review-Addition of a 7.5' x 32' deck with bench seating for outside customer seating at an existing brewery business. Proposed grass area of 224 s.f. Identify all required and available parking spaces, 24 required.

**Case #01-17102868**

Latham Farms  
Retail/Restaurant Addition  
Latham Farms, Latham  
Site Plan Review-9,000s.f. retail/restaurant addition where the former Walmart Garden Center was located.

**Case #07-17102869**

Robert Cordell  
401 8<sup>th</sup> Ave, Watervliet  
Use Variance-Proposed construction of a two family home on a vacant lot in the Industrial Zone (IND) with a 42' front yard setback, is not a permitted use and does not meet the required 50' front yard setback as stated in Town of Colonie Land Use Law.

**Case #07-17102870**

On the Farm Estates  
261 & 261A Troy Schenectady Road, Latham  
Subdivision Review-create 61 residential lots and 1 commercial lot.

**Case #01-17102871**

Kelcartel, LLC (James Keleher)  
974 Altamont Blvd, Altamont  
Special Use Permit-E-Commerce business that sells merchandise on internet platforms such as Amazon, Poshmark and Ebay. Would like to store inventory, post inventory online and pack inventory for shipping.

**Case #01-17102872**

Howard Johnson Redevelopment  
351 Southern Blvd, Albany  
Site Plan Review and Area Variance  
Construction of five (5) commercial structures at the site – a 105 room hotel, a 2,350 s.f. drive thru restaurant, 18,600 s.f. three tenant retail building, and a 4,400 s.f. vehicle fueling station and automatic car wash.

**Case #01-17102873**

90 State Street Conversion  
90 State Street, Albany

Site Plan Review-Conversion of a 143,900 s.f. of commercial floor area (floors 5-15) into 120 residential dwelling units.

**Case #01-17102874**

30 Pine Lane

Pine Lane, Albany

Site Plan Review-Construction of a 2 story, 24 unit multi family dwelling with ancillary surface and garage parking. An existing 1,265 s.f. single family dwelling will be demolished in order to accommodate the proposed use.

**Case #04-17102876**

The Residences at VanDyke

193, 197, 243 and 247 VanDyke Road, Delmar

Subdivision Review-Subdivide parcel into four building lots with frontage on VanDyke Road with town water and sewer-to be sold to a builder of residential homes or individuals.

**Case #07-17102876**

28 Crabapple Lane, Watervliet

Use Variance-Proposed subdivision, merging 2 lots into one 5,000 s.f. corner lot for future construction of a 2,600 s.f. single family home with a 14' front yard setback (Home Ave) and 15' front yard setback (Crabapple Lane), is not compliant with the 12,000 s.f. minimum required lot size and the 30' minimum front yard setback required in a Single Family Residential (SFR) Zoning District.

**Case #18-17102878**

Tobin Subdivision

18 Shultes Road, Greenville

Subdivision of 17.09 acres into three (3) lots

Lot #1-6.92 acres-to build a house

Lot #2-3.85 acres-to build a house

Lot #3-6.32 acres currently has a house

All three parcels will have septic and wells.

**Case # 07-17102879**

Blairhouse Interiors

428 Loudon Rd, Latham

To operate an interior design firm, does both residential and commercial interior design. Office staff of 6 people. There is a catalog and sample library, computer work stations/desks, drafting table and tables to meet with clients. The location was once a real estate office.

**Case #01-17102883**

Stewart's Shops #240

1344 Route 9W, Selkirk

Site Plan Review-1010 s.f. addition, 149 s.f. freezer, upgrade all lighting to LED, 5'x15' overhang, 20'x12' concrete patio, two (2) new light poles.

**Case #07-17102884**

Latham Circle Plaza, LLC

468-470 Troy Schenectady Road, Latham

Site Plan Review-Parking lot modifications and merger of 468 and 470 Troy Schenectady Road.

**Case #04-17102886**

Cumberland Farms

63 Route 9W, Glenmont

Site Plan Review-Dunkin Donuts is vacating existing structure that is shared with Cumberland Farms.

Cumberland Farms would like to add a 750 s.f. rear addition to the building interior and exterior, replace fuel islands.

Meeting adjourned at 5:15 p.m.

The next meeting of the Albany County Planning Board is on Thursday, November 16, 2017 at the Albany County DPW 449 New Salem Road, Voorheesville, NY 12186.