NOTE: Due to issues related to Covid-19, the April 30, 2020 Albany County Planning Board meeting was held via Skype. The public was able to call into the meeting to listen, but was not able to make comments during the meeting. There was a designated period of time prior to the meeting for written comments to be submitted.

Present: Dominic Rigosu, ACPB Chairperson; Yomika Bennett, Brian Crawford, Enzo Sofia, Gerry Engstrom, Susan Rizzo, Albany County Comptroller; Dave Reilly, Ex Officio; Tim Garufi, Ex Officio; Ransom Moore.

Albany County Public Works Office:

Laura Travison, Senior Planner; Lynn Delaney, Secretary; Bill Anslow, Civil Engineer(Ex Officio); Lisa Ramundo, Commissioner; James Mearkle, Traffic Engineer; Robert Gunther, Stormwater Program Technician.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:30PM

A motion was made by Brian Crawford to move Referral #10-200403466 to the front of the agenda. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: 10-200403466

Project Name: Costco

Applicant: Crossgates Releaseco, LLC

Project Location: Western Ave. & Crossgates Mall Road

Municipality: Town of Guilderland

Parcel Size: 16.50 acres

Zoning: Transit Oriented District

Tax Map Number: 52.1-1-6, 52.10-1-26, 52.10-1-27, 52.10-1-28, 52.10-1-29, 52.10-1-30, 52.10-1-31, 52.10-1-32, 52.10-1-33, 52.10-1-34, 52.10-1-35, 52.14-1-1, 52.14-1-2, 52.14-1-10, 52.14-1-20, 52.14-1-21, 52.14-1-22, 52.14-1-23, 52.14-1-24, 52.14-1-25, 52.14-1-26, 52.14-1-28, 52.14-1-29, 52.14-1-30, 52.14-1-31, 52.14-1-32

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: An area variance to allow light poles to exceed maximum allowance for height and the special use permit to develop the parcel into a Costco.
Action Type: Area Variance, Special Use Permit

Juris. Determinant: State Road, County Rd

Potential Impacts: US 20 (Western Ave.), Johnston Road, Rapp Road Historical Neighborhood, Pine Bush

Staff Notes: The applicant, Crossgates Releaseco LLC., is applying for a special use permit (SUP) in order to develop the site into a Costco and an area variance to allow light poles to exceed maximum allowance for height. The SUP is intended for a 158,202 SF retail facility, gas pumps, and ancillary infrastructure. The proposed project includes a fueling facility and will be serviced by four loading docks. The site plan includes a total of 700 parking spaces and 16 ADA accessible spaces. Total building coverage will be 165,724 SF and total impervious surface will be 548,252 SF. The proposed building meets the side, rear, and front yard minimum requirements. It is also below the height maximum requirement. The site is zoned Transit Oriented District. Retail and automobile service stations are permitted uses in the TOD zone, subject issuance of a SUP. Guilderland Town Code states: "The Transit Oriented Development (TOD) District is designed to implement the recommendations of the Westmere Corridor Study (Study) by using an overlay district to support and incentivize development that adequately protects nearby residential neighborhoods and utilizes resources within and near the TOD’s boundary including regional shopping, entertainment, and employment centers, a robust transit service with high ridership and proposed enhancements, direct vehicle access to the interstate highway system, and a nearby local business community. The TOD District encourages more compact development, traffic calming measures, better access management, improving the environment for non-automobile oriented modes of transportation, reducing the number of required parking spaces, supporting mixed-use buildings and pedestrian linkages, and focusing intense development away from existing residential neighborhoods." The site is currently the second site of three that are included in the Environmental Impact Statement - Rapp Road Residential/Western Avenue Mixed Use Redevelopment Projects. In accordance with Article 8 of Environmental Conservation Law the Draft Environmental Impact Statement was accepted as complete by the Planning Board at their February 12, 2020 meeting. The public comment period officially commenced on February 20, 2020 and has been extended twice. The public comment period is now set to end on May 4th, 2020. The DEIS is separate from the application for a SUP or the area variance. The DEIS does contain detailed site plans and narratives about the proposed Costco and surrounding traffic and environmental impacts.
The Albany County Department of Public Works has submitted traffic comments to Pyramid, as it pertains to the DEIS. Pyramid has submitted a response. Similarly the Department of Public Works submitted comments pertaining to stormwater and expects that Pyramid will respond before the DEIS public comment period is over. The NYS Department of Environmental Conservation has submitted comments within the Albany Pine Bush's Technical Committee's response to the DEIS. The NYS Department of Parks, Recreation, and Historic Preservation have also submitted comments to the Town in regards to the DEIS. All of these can be found in the referral file. This is currently not a site plan review, or the ACPB's official response to the DEIS.

Staff Opinion: Modify local approval to include:

1. The receipt of the Rapp Road Residential/Western Avenue Mixed Use Redevelopment Final Environmental Impact Statement.

Advisory Note:

The Board had some thoughts and concerns regarding this referral. A discussion among Board Members about these concerns most of which are listed in the final decision document below. Dominic asked Laura Travison to summarize the referral. She stated that the Board is looking at two things: An area variance to allow light poles to exceed maximum allowance for height and the special use permit at Parcel number 2 of the DEIS in the Town of Guilderland. This is where Pyramid eventually wants to construct a Costco. Laura reminded the Board that the vote for this Referral was postponed to this special meeting (April 30) so Pyramid and the Town of Guilderland could get back to the ACPB with answers to some of the questions that arose. We have now received responses to those questions and that is what the Board is looking to discuss today. Laura also stressed that this is not a site plan review and that the Board will have a chance to discuss and ask questions about the particulars of the site once we do have a site plan review referral.

Dominic Rigosu said he thought that the best way to address this project for discussion is to go by the 8 topics of the general municipal law and discuss them one by one as they apply to this referral. The initial discussion was regarding the fact that this is considered a Transit Oriented District (TOD) and whether building a Costco meet the goals/purpose of a TOD. Dominic reviewed both the Town of Guilderland zoning code, and the Westmere Corridor Study as well as checking 5/4/18 meeting ACPB meeting minutes. In addition he reviewed some of the videos of the Town of Guilderland planning board meetings and did some general research about TOD. In his opinion, there is a disconnect between the big warehouse retail and the TOD.
Gerry Engstrom stated that he doesn’t see much in the way of pedestrian facilities or links with bicycle paths and is concerned about whether a CDTA bus can access this parking lot. In addition he has concerns about the amount of money that Albany County spent on improvements on Johnston Road for pedestrian and bicycle access.

Yomika Bennett mentioned that she wants to make sure that the response from SHPO regarding the Historic Rapp Road District is mentioned in any determination that ACPB ultimately makes. Dominic responded that we will discuss that more in a bit.

Another issue discussed was regarding traffic concerns. Enzo Sofia stated that he is concerned about costs related to a potential increase in accidents or in the prevention of accidents. Brian Crawford and Gerry Engstrom also agree with Enzo’s concerns and with the comments that Dominic listed related to traffic (noted in recommendation below #2, A-F).

Dave Reilly commented that he had believed that we were just voting on the light pole height variance today and didn’t realize that it was also the special use permit.

Enzo and Dominic clarified for Dave that because of the vote for special use permit, they need to have a thorough discussion of the whole project, globally not just the specifics.

Tim Garufi asked about the potential for police presence to help with traffic issues. Laura stated that it was not mentioned as far as she could tell.

The next area that was discussed was related to the impact of this proposal to existing and proposed county or state institutional or other uses. Yomika Bennett reiterated the importance of protecting the heritage and the value of the Historic Rapp Road District.

Yomika stated that “it is a precious resource that we have. Very few National Register Sites across the country reflect African American history. We have one right here in Albany and we to protect that and the Pine Bush. It’s not an or, it’s not that we are going to do a little bit of this and a little bit of that one. I would not want to see that the people in this area and the importance of this area is diminished for a commercial purpose.”

Dominic suggested making a change to his initial written comment to this topic and the Board was in agreement with the corrected wording (noted in recommendation below #3, B).

The Board asked Rob Gunther, Albany County Stormwater Program Technician to discuss the drainage plan in the 3 phases. The Board did not have any additional questions about this after Rob’s comments.

Dominic then went over the remaining sections of the 8 topics of the GML. The rest of the Board members agreed with the information that Dominic presented.

The Board asked Laura Travison if they could vote on the special use permit and the variance for light pole height separately. Laura indicated that she thought that they could separate them if they prefer.

As a result of the discussion had throughout this meeting related to the Special Use Permit section of Referral #10-200403466 the recommendation was changed.
ACPB April 30, 2020 Meeting Minutes

Recommendation was changed to:

Pursuant to the Town’s request and under the authority of Section 239-m or n of General Municipal Law, the Albany County Planning Department reviewed the following material:

Case #: 10-200403466
Applicant: Costco
Project Location: Western Ave. & Crossgates Mall Road
Tax Map Number: 52.1-1-6, 52.10-1-26, 52.10-1-27, 52.10-1-28, 52.10-1-29, 52.10-1-30, 52.10-1-31, 52.10-1-32, 52.10-1-33, 52.10-1-34, 52.10-1-35, 52.14-1-1, 52.14-1-2, 52.14-1-10, 52.14-1-20, 52.14-1-21, 52.14-1-22, 52.14-1-23, 52.14-1-24, 52.14-1-25, 52.14-1-26, 52.14-1-28, 52.14-1-29, 52.14-1-30, 52.14-1-31, 52.14-1-32
Referring Agency: Town of Guilderland Zoning Board of Appeals
Considerations: The special use permit to develop the parcel into a Costco.

In conducting the review as per GML 239-l the Albany County Planning Board (ACPB) finds the proposed Costco Wholesale retail facility and fueling stations will create a significant negative intermunicipal and county-wide impact and voted to disapprove the Special Use Permit.

Pursuant to GML 239-l, review and recommendation by the County Planning Agency includes consideration of “pertinent inter-community and county-wide planning, zoning, site plan, and subdivision considerations” with respect to:

1. Compatibility of various land uses with one another:

   A. The ACPB find the proposed use is not a compatible land use as it does not meet the purpose of an approved use in a Transit Oriented Development District (TOD) as described in the Town of Guilderland (TOG) Zoning Code Chapter 280-18.1 A. Purpose.

   B. Page 56 in the Westmere Corridor study states, “While several elements of TOD are recommended throughout the Westmere Corridor with regard to access management, traffic calming, pedestrian, bicycle and transit improvements, this particular part of the corridor has critical features that would be necessary for a successful TOD neighborhood. These features include the availability of underutilized or vacant land adjacent to major destinations that attract high volumes of people (such as shopping, entertainment and employment centers) and could support high ridership transit stops. The missing elements, mixed use structures and compact, walkable more “urban” form can be created when land exists to integrate and transition uses into a more connected area with short blocks, mixed use buildings, public spaces and a strong pedestrian, bicycle and transit presence.” A warehouse retail store does meet the goals for the “missing elements” as described.
2. Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities:

A. The ACPB finds the traffic impact will have detrimental effects in and around the proposed project. There will be an increase in accidents at the I-87 exit ramp leading to Crossgates Mall Ring Road, increased accidents and congestion along State Route 20 and increased traffic through the Rapp Road Historic District.

B. In June 2001 the Altamont Enterprise published an article on the traffic accidents at the I-87 exit ramp leading to Crossgates Mall titled “Ending the ramp’age?” It noted 26 accidents in 1994 and jumped to 140 in 2000.

C. New York State Department of Transportation provided accident reports on this same exit ramp. It noted 52 accidents in 2016, 48 accidents in 2017 and 54 accidents in 2018.

D. In addition, the Westmere Corridor Study noted 502 accidents along the eastern portion of the Westmere Corridor in a three year span.
E. New York State Thruway Authority is expecting cashless tolls by 2020. These tolls act as a “traffic calming measure” to the entrance onto I-87. How will this affect the traffic patterns and accidents at the Crossgates I-87 entrance?

F. The proposed warehouse does not appear to show any traffic mitigation that address the accident prone exit ramp nor the heavily traveled eastern section of the Westmere corridor.

3. Impact of proposed land uses on existing and proposed county or state institutional or other uses:

   A. The special use permit does not demonstrate conclusively that no such negative impacts with regard to traffic and accidents in and around the proposed location and has not proposed any mitigation.

   B. We understand there is conversation with Town of Guilderland, Rapp Road Historic District, City of Albany and Pyramid regarding the adverse impacts to the Rapp Road Historical District. However at this time we don’t have a conclusive traffic mitigation proposal that was deemed viable either by the Town of Guilderland or the City of Albany to be commenting on.

4. Protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas:

   A. The proposed warehouse ignores the community character. If built, this structure will be the largest single use retail building found along State Route 20 in the Town of Guilderland.

   B. New York State General Municipal Law §96-a. Protection of historical places, buildings, and works of art states, “In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing board or local legislative body of any county, city, town, or village is empowered to provide by regulation special conditions and restrictions for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both."

   C. The Rapp Road district was designated on the Nation’s list of properties worthy of preservation in 2002. The Director of New York State’s Technical Preservation Bureau within the State Historic Preservation Office, has advised that the impact of traffic and high density development is an adverse impact on the historical preservation of the Rapp Road historical community.
D. The origin of the Historical Rapp Road community is an African American community that migrated from Shubuta, Mississippi during the Great Migration. The community is singular in Albany County in its living presentation of the agrarian lifestyle that remained intact through a community’s chain migration to the north and the subsequent five generations. Multiple decedent families from the original property owners still live on Rapp Road. The Great Migration was the largest migration of United States citizens in American History that culminated in the mass urbanization of most of the migrants. The historical Rapp Road community provides an alternate and unique oral and living history that is increasingly hard to maintain as development and density continues to encroach.

5. Drainage:

A. Maser Consulting, on behalf of Pyramid LLC, responded to the Department of Public Work’s comments about the exceeding 5 acres disturbances in their phasing descriptions as such: “Due to the extent of mass grading +/-8’ across the majority of the site and the complexity of the proposed site improvements, it is not feasible to split up construction in such a way that there is less than 5 acres of disturbance at any given time.”. For construction activities outside of grading, Pyramid should adhere to recommended 5 acre maximum disturbance of a construction site at one time (GP-0-20-001).

6. Community facilities:

A. Not applicable.

7. Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures:

A. The proposed warehouse does not meet recommendations of the Westmere Corridor Study; it does not protect nearby neighborhoods, it does not create neighborhoods, it is not pedestrian friendly, it does not support bus transit services and does not emphasize alternate modes of non-automobile-oriented modes of transportation.

B. Page 56 in the Westmere Corridor study states, “While several elements of TOD are recommended throughout the Westmere Corridor with regard to access management, traffic calming, pedestrian, bicycle and transit improvements, this particular part of the corridor has critical features that would be necessary for a successful TOD neighborhood. These features include the availability of underutilized or vacant land adjacent to major destinations that attract high volumes of people (such as shopping, entertainment and employment centers) and could support high ridership transit stops. The missing elements, mixed use...
structures and compact, walkable more “urban” form can be created when land exists to integrate and transition uses into a more connected area with short blocks, mixed use buildings, public spaces and a strong pedestrian, bicycle and transit presence.”

8. Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment:

A. A satisfactory community environment should be planned and based on a process that involved analysis of existing conditions, as well as public and professional input. The Westmere Corridor study established the TOD zone and based its recommendations on an “analysis of the existing conditions information found in the previous sections, discussions with the Study Advisory Committee (SAC) and comments received from the public at the project open house (pg. 55).

B. Based on the study a satisfactory community environment would contain “mixed use structures and (a) compact, walkable more “urban” form (that) can be created when land exists to integrate and transition uses into a more connected area with short street blocks, mixed use buildings, public spaces and a strong pedestrian, bicycle and transit presence (pg. 56). The environment would ideally consist of “at least 80% coverage”(pg. 63), “orienting buildings to the street with a consistent build-to line with maximum setbacks of no more than 15 feet”, and “parking in the rear” (pg. 68).

C. Granting a Special Use Permit to the Costco proposal as is, would be out of compliance with the community and professional input in a pre-existing study produced by the Town of Guilderland. To maximize governmental efficiency and community character development should try to adhere to existing comprehensive plans and studies.

A motion was made by Brian Crawford to Disapprove the Special Use Permit request for Referral #10-200403466. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

The Board then discussed the request for the light pole height variance.

Case #: 10-200403466B

Applicant: Costco

Project Location: Western Ave. & Crossgates Mall Road

Tax Map Number: 52.1-1-6, 52.10-1-26, 52.10-1-27, 52.10-1-28, 52.10-1-29, 52.10-1-30, 52.10-1-31, 52.10-1-32, 52.10-1-33, 52.10-1-34, 52.10-1-35, 52.14-1-1, 52.14-1-2, 52.14-1-10, 52.14-1-20, 52.14-1-21, 52.14-1-22, 52.14-1-23, 52.14-1-24, 52.14-1-25, 52.14-1-26, 52.14-1-28, 52.14-1-29, 52.14-1-30, 52.14-1-31, 52.14-1-32

Referring Agency: Town of Guilderland Zoning Board of Appeals
Considerations: An area variance to allow light poles to exceed maximum allowance for height.

ACPB Recommendation:

Modify local approval to include:

1. All perimeter lighting shall be shielded. No light should be allowed to spill out past property boundaries.

Dominic asked Laura Travison if the Pine Bush had commented about the light pole height. Laura stated that the Pine Bush does not have any comments about the topic of light pollution. Gerry Engstrom commented that after examining the site plan extensively, his opinion is that the lighting is overkill. The specs for the LED’s are that they are extremely bright and powerful. He further stated that he has concerns that it will escape the perimeter of the construction zone and will be very, very bright from multiple angles including Western Ave. and the intersection of Johnson, Rapp and Western. He is especially concerned about the lighting surrounding the fueling area. However, he does feel that shielding the lighting, especially around the perimeter, would be an acceptable solution to contain spillover of lighting onto adjacent properties in the neighborhood. Gerry acknowledged that LED’s are more of a directional light, he still feels that due to the quantity of lighting, the wattage and the lumens, will create a glow that will be visible from residential areas.

A decision was made to modify the approval to add shielding to the lights (noted above).

With the addition of the Modify to add shielding of the lights, a motion was made by Gerry Engstrom to approve the light pole height variance for Referral # 10-200403466B. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

Case #: 04-200403464
Project Name: Linde Gas Nitrogen Plant

Applicant: The Pike Company, C/O Marc Murray
Project Location: 76 West Yard Road
Municipality: Town of Bethlehem
Parcel Size: 9.10 acres
Zoning: Heavily Industrial (HI)
Tax Map Number: 108.00-1-9
Referring Agency: Town of Bethlehem Planning Board
Considerations: A site plan review for the proposed construction of a new nitrogen plant to provide gas to SABIC.

Action Type: Site Plan Review

Juris. Determinant: Agriculture District

Potential Impacts: Proposed site is adjacent to NYS Designated Agricultural District.

Staff Notes: The property owner proposes to construct a new nitrogen plant on site. The nitrogen plant contains a cold box, control house, and other equipment which will provide nitrogen gas to SABIC with improvements to safety, reliability, and cost effectiveness. The new plant will tie into the existing supply system downstream and no additional pipelines will be required. The cold box height is 70'6" and is required by Linde to contain the equipment needed for the liquefaction of gas. There are no proposed changes to ingress/egress, employee traffic, or parking. The applicant proposes to preserve tree buffers along property line. No additional landscaping will be provided for screening. There is no proposed change to public utilities or sewer. There is no increase in impervious area. Less than an acre is expected to be physically disturbed. The ACPB reviewed the pad beneath this nitrogen supply system in June 2019 (referral # 04-190603313), and voted to modify local approval to include the submission of an agricultural data sheet. An agricultural data sheet is included in the current referral. The ACPB reviewed the area variance for the height of the cold box (referral # 04-190903356), and voted to defer to local consideration.

Staff Opinion: Defer to local consideration.

1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note:

Without any comments or questions from the Board, Yomika Bennett made a motion to accept the staff opinion for Referral #04-200403464. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

4/30/2020
Case #: 05-200403465

Project Name: Coeymans Industrial Park Site Plan

Applicant: Coeymans Recycling Center, LLC

Project Location: Coeymans Industrial Park Lane

Municipality: Town of Coeymans

Parcel Size: 25.30 acres

Zoning: Industrial (I)

Tax Map Number: 156.-4-6.11, 156.-4-6.172, 156.-4-6.171, 156.-4-6.16, 156.-4-6.13, 156.-4-6.15, 156.-4-6.14, 156.-4-6.12, 156.-4-6.10.1

Referring Agency: Town of Coeymans Planning Board

Considerations: A site plan review for the proposed construction of 4 warehouse storage buildings and associated utilities. Proposed building area includes 4 pre-engineered buildings that are 620,000 SF in total.

Action Type: Site Plan Review

Juris. Determinant: State Road, Municipal Boundary

Potential Impacts: NY 144 (River Road), Coeymans' and Village of Ravena municipal boundary, wetlands

Staff Notes: The site plan consist of the proposed construction of 4 new pre-engineered type warehouse buildings within the existing developed Coeymans Industrial Park (CIP). The project includes new access drives, parking, and stormwater management facilities. Public water and sewer exist within the CIP, but the warehouses will not be connected to them and used solely for storage. The proposed buildings are the final buildout of the existing industrial park. The proposed building and phasing breakdown are as follows: Phase 1 - Giamundo Site Building - 180,000 SF, Phase 2- Building C-7- 250,000 SF, Phase 3- Former Baroni Site Building 88,000SF, and Phase 4 - North Pad Building (future) - 100,000 SF. Both the Giamundo and C-7 buildings are being constructed for indoor storage salt, while the use of the Former Baroni and North Pad Warehouse has not yet been finalized. A full SWPPP has been previously
developed for the entire site. The entire site has stormwater coverage for construction activity under GP 20-001. A combination of dry swales and infiltration basins are already in use on the proposed project sites for stormwater management. There are no changes proposed to ingress or egress to the CIP. The application includes a Notice of Intent to DEC about the proposed construction. The total acreage expected to be disturbed is 25.3 acres.

Staff Opinion: Disapprove.

1. This Board has found the referral supporting documentation insufficient for review purposes. A SWPPP review is necessary for a site that entails such intensive storage of salt near the Coeymans Creek and its watershed.

Advisory Note:

1. The Albany County Planning Board believes it had a mutual agreement with the Town of Coeymans' Planning/Zoning Board of Appeals to extend the referral review deadline passed the Town's April 13th vote date. Pursuant to: GML 239-m (4) (b): "Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations." 2. On March 20, 2020 Governor Cuomo's Executive Order 202.8 tolled all specific time limit for the commencement, filing, or service of any legal action till April 19th 2020.

Brian Crawford made a motion to accept the staff opinion of Disapprove for Referral #05-200403465. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

There was no unfinished business or new business to discuss. The Board decided to postpone voting on the April 2, 2020 ACPB meeting minutes until the May 21 Board meeting.

Yomika Bennett made a motion to adjourn at 4:35pm.