

ACPB June 17, 2021 Meeting Minutes

The June 17, 2021 Albany County Planning Board meeting was originally scheduled to be a Skype Meeting only. However, 2 days prior to the scheduled meeting there was a change in policy from NYS Government so the meeting was quickly changed to an in-person meeting. Due to the late notice of this change, the meeting was also held via Skype so the public could attend either in person or by calling in.

Board Members Present: Dominic Rigosu, Brian Crawford, Enzo Sofia & Gerry Engstrom.

Albany County Public Works Office: Gopika Muddappa, Senior Planner; James Mearkle, Traffic Engineer; Lynn Delaney, Secretary; Rob Gunther, Stormwater Program Technician; Sameer Modasra, Ex-Officio; and Ransom Moore, Ex-Officio.

Guests: Dan Hershberg, Hershberg and Hershberg; John Raphael Pichardo, City of Albany Planning Dept.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:39PM.

Brian Crawford made a motion to approve the May 20, 2021 Meeting Minutes. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Gerry Engstrom made a motion to approve the May 27, 2021 Meeting Minutes. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Gerry Engstrom made a motion to move the 11 cases with a Staff Opinion of "Defer to Local Consideration" to the front of the agenda and vote on them as a group. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-210603729

Project Name: Project #00424 - 380 Whitehall Road

Applicant: Congregation Beth Abraham Jacob

Project Location: 380 Whitehall Road

Municipality: City of Albany

Parcel Size: 129373.20 Square Feet

Zoning: MU-CI - Mixed-Use, Campus / Institutions

Tax Map Number: 75.10-1-1.2

Referring Agency: City of Albany Zoning Board of Appeals

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Considerations: Area variance for installation of 512 Linear Feet of 8-foot tall, chain link fencing; 332 feet of 8-foot tall vinyl fencing and; 438 Linear Feet of 8-foot tall metal, spaced picket fencing to increase security.

Action Type: Area Variance

Juris. Determinant: Interstate Highway, City Road

Potential Impacts: I87 New York State Thruway, Whitehall Road

Staff Notes: This is an application for an area variance to allow 710 Linear Feet of 8-foot tall, chain link fencing, of which, 198 Linear Feet is in the front yard area, where chain link fencing is not allowed, 332 Linear Feet of 8-foot tall vinyl fencing and 438 Linear Feet of 8-foot tall metal, spaced picket fencing. The Applicant proposes to construct a needed security fence which does not comply with USDO {3 375-4(F)(8)(b)(i)(A) "Walls and fences may be located in any front yard or exterior side yard facing a street provided they are no more than four feet In height and no more than 60 percent opaque, except as required to comply with screening requirements in Section 375 4(F)(5) and (6) above." The applicant requests a variance to permit a fence eight (8) feet in height and with less than the 60% opacity requirement.

Staff Opinion: Defer to local consideration

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

Case #: 01-210603730

Project Name: Project #00424 - 1053 Broadway

Applicant: Brothers Brewing Company II, Inc.

Project Location: 1053 Broadway, Albany, NY 12204

Municipality: City of Albany

Parcel Size: 20473.20 Square Feet

Zoning: MU-FW Mixed Use, Form Based, Warehouse

Tax Map Number: 65.16-4-1

Referring Agency: City of Albany Zoning Board of Appeals

Considerations: Area variance to install a 133ft by 13 foot deck encroaching into the city right of way, where the prevailing regulation requires front porches not extend into the right-of-way or any easement.

Action Type: Area Variance

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Juris. Determinant: State Highway, City Road

Potential Impacts: 32 N Pearl St, Broadway Street, FEMA Floodzones

Staff Notes: The applicant requests an area variance to allow front porch to extent into right-of-way or easement. The proposed action is to make dining at Druthers more appealing and to improve seating arrangements and to provide safer dining options. Druthers would like to construct a deck that is approximately 13 feet wide and 110 feet long. Because the existing property abuts the restaurant/brewery at Druthers, such a deck is proposed to be built in the public ROW. Section 375-402 (G)(4) prohibits a deck from extending into an easement or the public ROW. The proposed action includes placing new PIP concrete curb with integral sidewalk, flush reveal 5 feet wide sidewalk, field adjust to blend with existing asphalt surface and ADA accessible ramp. In addition to this variance, Druthers is seeking a permanent easement over the +/-1,633 SF of land under the deck from the City of Albany.

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:

1. The applicant should consider the relocation of handicap parking space coordinative with the proposed seating area.

Case #: 01-210603731

Project Name: Project #00416 - 40 S. Manning

Applicant: Brett & Alecia Sears

Project Location: 40 S. Manning Blvd

Municipality: City of Albany

Parcel Size: 8400.00 Square Feet

Zoning: R-1M Residential, Single Family, Medium Density

Tax Map Number: 64.50-2-15

Referring Agency: City of Albany Zoning Board of Appeals

Considerations: Area variance for installation of 58 linear feet of 6-foot; 100% opaque fencing.

Action Type: Area Variance

Juris. Determinant: State Highway, City Road

Potential Impacts: 20 Western Ave, Manning Blvd

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Staff Notes: This is an application for an area variance to allow 58 Linear Feet of 6-foot tall, 100% opaque fencing in the front yard area, where 4-foot fencing is the maximum height allowed and 60% opacity is the maximum opacity allowed. The applicant states that the the property is unique is ways because of the greater amount of pedestrian and bicycle traffic which reduces the privacy of the property. New fence will replace existing fence, set back 12 feet from Myrtle Ave.

Staff Opinion: Defer to local consideration

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

Case #: 01-210603743

Project Name: 255-271 Clinton Avenue

Applicant: Home Leasing

Project Location: 243,245,251,255,257,261,263,235,267,269 Clinton Avenue

Municipality: City of Albany

Parcel Size: 42190.00 Square Feet

Zoning: MU-NE (Mixed-Use, Neighborhood Edge)

Tax Map Number: 65.73-3-17, 65.73-3-18, 65.73-3-21, 65.73-3-23, 65.73-3-24, 65.73-3-27, 65.73-3-28,65.73-4-58, 65.73-3-30, 65.73-3-31

Referring Agency: City of Albany Planning & Zoning Board of Appeals

Considerations: Site plan review to construct a parking lot with 38 spaces. Area Variance to allow 21 parking spaces at 255 Clinton Avenue, when the maximum permitted number of parking spaces is 3.

Action Type: Site Plan Review, Area Variance

Juris. Determinant: Federal Highway

Potential Impacts: 9 Clinton Ave, Historic Districts

Staff Notes: The applicant proposes to consolidate Nos. 243, 245, 251 and 255 into new No. 255 Clinton Avenue and construct associated parking, landscaping, picnic table, benches and bike rack. The proposal includes utility of easement over portions of Nos. 257-271 Clinton Avenue for additional parking. Site plan review for the parking lot that is to be constructed on the proposed No. 255 and to the rear of Nos. 257 – 271 Clinton Avenue. No. 255 Clinton Avenue will provide 21 off-street parking spaces eighteen (18) than the required 3 spaces an

area variance is required. Less than one acre of physical disturbance is anticipated during the proposed action. As per the SEAF, if site specific stormwater detention system is required, a pipe gallery will be installed where storage complies with USDO standards. This variance, if granted, would provide a public benefit by providing additional off-street parking to reduce the exiting stress occurring with relation to on-street parking. The applicant is aware of the practical difficulty of combining these parcels that might include complex ownership and financing structure and is looking beyond to make parking available to these parcels.

Staff Opinion: Defer to local consideration

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

Case #: 01-210603744

Project Name: 66 State Street

Applicant: 66 State Street, LLC

Project Location: 66 State Street

Municipality: City of Albany

Parcel Size: 10261.00 Square Feet

Zoning: MU-DT (Mixed-Use, Downtown)

Tax Map Number: 76.42-3-6

Referring Agency: City of Albany Planning Board

Considerations: Site plan review for a major development plan convert +/-21,357 square feet of office space into 27 dwelling units.

Action Type: Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 32 S Pearl street, State Street, Historic District, FEMA Floodzones

Staff Notes: This is an application proposing historic renovation of the upper floors of the existing building at 66 State Street into 27 market-rate apartments. The project includes minor improvements to the existing 10,000 square feet of commercial space on the lower levels. No exterior or site changes are planned. The project includes a new residential lobby off of Norton St and 750 square feet of tenant amenity space. The building will include 15 one bedroom apartments, 9 two bedroom apartments, 3 studio apartments, two commercial spaces on the lower floor and first floor, one basement and tenant amenity on the lower floor.

Staff Opinion: Defer to local consideration

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

Case #: 04-210603726

Project Name: Albany Baptist Church

Applicant: Robert S. Gaza

Project Location: 361 krumkill Road

Municipality: Town of Bethlehem

Parcel Size: 2.80 acres

Zoning: Residential A District (RA)

Tax Map Number: 63.00-3-20.3

Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance to replace existing sign for church with a freestanding sign 6 1/2' in height and 52SF which exceeds the Town size and height requirements.

Action Type: Area Variance

Juris. Determinant: County Road, Town Road

Potential Impacts: CR 204 Russell Road, Krumkill Road, Blessing road

Staff Notes: The Albany Baptist Church requests an area variance to replace their existing sign with a new sign that exceeds the Town's size limit. The current 20-year old sign is in poor condition and is supported by deteriorating wood with worn & rusty interior parts. The new sign is made of high-grade materials & will be more aesthetically appealing leading to an upgrade in the appearance of the area. the current sign is out of date, is not sufficiently large enough to include the information that the applicant needs. The current sign is 64 SF at the corner of Krumkill and Russell Road. The applicant is proposing a 52 SF sign on the lawn in front of the church's front door. The sign is 6 1/2 feet high which is the same height as the original sign. The actual sign is only 4 feet high (including the church name), with a 2 1/2 foot high pedestal. The installation of new sign does not require any significant change or does not need to be illuminated at night. The proposed size of the sign is undersized.

Staff Opinion: Defer to local consideration

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

Case #: 07-210603723

Project Name: 71 Sand Creek Subdivision

Applicant: TJ Siciliano

Project Location: 71 Sand Creek Road

Municipality: Town of Colonie

Parcel Size: 9.90 acres

Zoning: Neighborhood Commercial office Residential District (NCOR)

Tax Map Number: 54.9-1-29

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance and Use variance to subdivide the parcel into four (4) parts in the NCOR zoning district which is an expansion of pre-existing non-confirming use.

Action Type: Area Variance, Use Variance

Juris. Determinant: County Road, Town Road

Potential Impacts: CR 155 Everett Road, Sand Creek Road, NWI & NYSDEC Wetlands, FEMA Floodzones

Staff Notes: The proposed subdivision will divide the property into four (4) parcels ranging in size from 0.283 acres to 8.545 acres. In order to separate the existing structures onto parcels of their own, and create one new 0.56 acres building lot at the end of Old Myers Drive. All sites are proposed to be sold as-is. The owner has no intention of re-developing the properties. Any future re-development of the area would be in line with the overall vision of the NCOR zoning district. No impact on the adjoining properties are anticipated in terms of noise, vision and drainage. An area variance is requested because the proposal to subdivide the parcel is an expansion of the pre-existing non-confirming use of a motor vehicle repair shop on lot 1, a motor vehicle repair shop/landscaping business/storage on lot 4 provides zero road frontage for lot 2 where 60' is required, a four (4) unit multi family building on lot #3 with no base commercial density where a minimum of 20% is required as per the Town Code land Use Law.

Staff Opinion: Defer to local consideration

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

Case #: 07-210603724

Project Name: C2M Addition

Applicant: Zachary Manz (Contractor Sales Company)

Project Location: 121 Karner Road

Municipality: Town of Colonie

Parcel Size: 2.76 acres

Zoning: Industrial District (IND)

Tax Map Number: 29.3-2-1

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to meet the setback requirements for construction of 3,850 SF office building addition associated with parking, expanding on an existing 10,000 SF garage.

Action Type: Area Variance

Juris. Determinant: County Road

Potential Impacts: CR 155 New Karner Road, NWI & NYSDEC Wetlands

Staff Notes: The applicant proposes to the construction of 3,850 SF office building addition with associated parking lot adjustment as an expansion to the existing 10,000 SF garage near the center of the site. The proposed action requires an area variance as it does not meet the side setback requirements of 20'. The proposed building requires an area variance for the side yard since the existing garage has only a minimum of 11.3' side setback. Contractors Sales is a heavy construction equipment distributor supplying construction and mining equipment for sale and rent. The property is used to store equipment, parts, equipment services and customer sales/service offices. The side setback is not attainable without demolishing the existing garage structure and the applicant requests the allowance of the side setback of 11.3' for the existing garage as a part of the proposed alteration. The building addition to be constructed in a manner which does not increase the existing nonconformity. The proposed action is less than one acre, 0.18 acres.

Staff Opinion: Defer to local consideration

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

Case #: 07-210603734

Project Name: Lot Line Adjustment @Farm - Nick Costa

Applicant: Nick Costa

Project Location: 271 & 273 Troy Schenectady

Municipality: Town of Colonie

Parcel Size: 0.00 acres

Zoning: Commercial office Residential District (COR)

Tax Map Number: 19.20-3-55.2, 19.20-3-53

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to propose lot line adjustment to meet the side yard setback of the existing garage.

Action Type: Area Variance

Juris. Determinant: State Highway

Potential Impacts: 2 Troy Schenectady Road

Staff Notes: The applicant is requesting to allow the existing residential use of the existing building to remain along with the existing garage. The garage does not meet the side yard setback and an area variance is requested. The proposed lot line adjustment between two (2) existing parcels located in the Commercial Office Residential (COR) zoning district is an expansion of a pre-existing non-conformation single family home use and has an existing garage with a 1.7' side yard setback where 10' is required as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24,190-26(A) and 190 attachment #3 -Dimension Table for prior established lots. The proposed area of the parcel (19.20-3-53) after the lot line adjustment is 20,978 SF whereas the existing area is 13,364 SF.

Staff Opinion: Defer to local consideration

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

Case #: 13-210603735

Project Name: Lands of Andres/Taylor

Applicant: Stephan Andres

Project Location: 69 & 79 Maple Road

Municipality: Town of New Scotland

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Parcel Size: 0.00 acres

Zoning: Residential Agricultural (RA)

Tax Map Number: 73.9-2-2.20, 73.9-2-2.10

Referring Agency: Town of New Scotland Zoning Board of Appeals

Considerations: Area variance to allow lot line adjustment of 0.10 acres from lands of Andres to the lands of Taylor.

Action Type: Area Variance

Juris. Determinant: State Highway, Intermunicipal Boundaries

Potential Impacts: 85A Maple Road, Intermunicipal Boundaries of Town of New Scotland and Village of Voorheesville

Staff Notes: The applicant is requesting an area variance to add 0.10 acres of vacant land from 79 Maple Road to an adjoining landowner to square off an odd parcel of ground. No new lots are being created and no setback violation will be created. This proposed lot line adjustment will cause the parcel at 79 Maple Road (73.9-2-2.10) to be below the required area code of 1.01 +/- acres. The proposed new lots are to be 0.92 acres at 79 Maple Road and 0.60 acres at 69 Maple Road.

Staff Opinion: Defer to local consideration

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

Case #: 16-210603738

Project Name: Outdoor Seating at Gracie's Kitchen

Applicant: Grace Thompson

Project Location: 39 Voorheesville Ave

Municipality: Village of Voorheesville

Parcel Size: 0.40 acres

Zoning: Commercial MSE (Main Street East)

Tax Map Number: 72.7-4-1

Referring Agency: Village of Voorheesville Planning Board

Considerations: Site plan review to construct a concrete pad for an outdoor eating area.

Action Type: Site Plan Review

Juris. Determinant: County Road

Potential Impacts: CR 306 Voorheesville Ave, FEMA Floodzones

Staff Notes: The applicant proposes to construct a 450 SF slab on grade non structural concrete patio on the left side of the existing building. The patio will be approximately 16'x28' in size. No additional lighting or fences are proposed to the area at this time. This space is designed to offer seating for both dining and ice cream on a seasonal basis. Seating capacity will be 24 people, same as currently in use in the parking lot. The proposed patio is designed to provide a better space for the customers to enjoy meals where the seating is currently located on the parking lot and to provide more seating with distances as per COVID guidelines. The patio will be installed on grade at the same elevation of the side entry door to the building. The adjustment in grade between the existing driveway and the new patio will be addressed by the installation of an 18" high concrete retaining wall.

Staff Opinion: Defer to local consideration

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

Enzo Sofia had some questions/concerns regarding parking at the 255-271 Clinton Ave. location which Dan Hershberg, of Hershberg and Hershberg, responded to. In addition, a decision was made to add an advisory note to the 1053 Broadway referral to mention the relocation of handicap parking access (noted above).

Brian Crawford made a motion to accept the Staff Opinion for Case #'s 01-210603729, 01-210603730, 01-210603731, 01-210603743, 01-210603744, 04-210603726, 07-210603723, 07-210603724, 07-210603734, 13-210603735 & 16-210603738. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: 01-210603741

Project Name: Ordinance 18.61.21

Applicant: Common Council of the City of Albany

Project Location: N/A

Municipality: City of Albany

Parcel Size: 0.00 N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: City of Albany Legislative Board

Considerations: Adoption/Amendment of zoning ordinance to continue the City of Albany's suspension of the green roof incentive program for another year.

Action Type: Adoption/Amendment of Zoning Ordinance

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The proposed legislation extends the suspension of the green roof incentive under the City of Albany's Unified Sustainable Development Ordinance (USDO). The ordinance amends Chapter 375 of the Code of the City of Albany in relation to incentives for developers to use energy efficient and low impact designs. The general purpose of the legislation is to suspend the applications of the USDO incentive that allow developers to increase the height of the primary building on a site by one story or reduce setbacks if the developer incorporates into design plans a green roof or other building or site features that are designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50% and such applications shall receive benefits. The current suspension of this provision is for any development applications submitted from June 30, 2019 to June 30, 2021.

Staff Opinion: Modify local approval to include

1. Notification of the amendment of adoption/amendment of zoning ordinance should be sent to all adjacent municipalities pursuant to GML §239-nn.

Enzo Sofia asked for a clarification on this issue. Jon Raphael Pichardo spoke to the Board to clarify that this is just a continuance of a previously approved Ordinance. The city needs more time to determine whether it would be a benefit to the City. Dan Hershberg also spoke about this issue.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 01-210603741**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-210603742

Project Name: 25 Delaware Avenue

Applicant: 25 Delaware, LLC

Project Location: 25 Delaware Avenue

Municipality: City of Albany

Parcel Size: 76.31 acres

Zoning: MU-CU (Mixed-Use, Community Urban)

Tax Map Number: 76.31-4-3

Referring Agency: City of Albany Planning Board

Considerations: Site plan review for major development plan to construct a +/- 14,540 square foot multifamily dwelling consisting of 52 dwelling units and thirty parking spaces, and the renovation of an existing +/-5,532 square foot structure.

Action Type: Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 443 Delaware Ave, Historic District

Staff Notes: The Applicant proposes to construct a 49,868 SF four-story apartment with a footprint of 12,467 SF consisting of 51 units above a garage floor with 30 parking spaces. The existing two-story building on site will be rehabilitated and will be available for tenant use. The site will also feature new landscaping, lighting, and a stormwater management system. A portion of the garage level will be below grade. Forty (40) of the units will be one bedroom and eleven (11) will be two bedroom. In addition, a patio and playground will be added to the site. The existing two (2) story building with a GFA of 5,534 SF will be rehabilitated and used for community and amenity spaces. The lower level will house maintenance and utility spaces together with bicycle storage and a 728 SF Community Hall. The upper level will contain a 706 SF Residents Community Room, a 654 SF Fitness Center and a 326 SF Computer Room.

Staff Opinion: Modify local approval to include

1. A Notice of Intent filed with the City of Albany affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the City of Albany USDO for construction activities that disturb more than one acre of land.
2. The City should ensure that there is adequate on-site parking to accommodate additional parking requirements.

Dan Hershberg discussed this case with the Board. Gerry Engstrom made a motion to accept the Staff Opinion for **Case #:01-210603742.** The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-210603745

Project Name: 91 Clinton Street

Applicant: Kerwyn Kirton

Project Location: 91 Clinton Avenue

Municipality: City of Albany

Parcel Size: 1300.00 Square Feet

Zoning: R-T (Townhouse)

Tax Map Number: 76.64-3-18

Referring Agency: City of Albany Planning Board

Considerations: Conditional use permit for occupation of +/- 1,300 square feet of the ground floor of 91 Clinton Street as a restaurant.

Action Type: Conditional Use Permit

Juris. Determinant: City Road

Potential Impacts: Clinton Street, 4th Ave, Historic District, FEMA Floodzone

Staff Notes: Conditional use permit to convert Mixed-use Property located at 91 Clinton St from Retail Space into a Full Service Restaurant/Catering Facility with Indoor dining space. This project will involve interior remodeling and renovation of the commercial space and exterior touchups on the physical structure. It will take approximately two to three months to complete once work has started. Off street parking is proposed approximately 40' away on vacant lots 93 and 95 Clinton St which are also owned by the owner. Curb side parking is also available along Clinton St and Fourth Ave. The building consists of basement, existing retail to be converted into restaurant space with existing addition on the first floor and existing dwelling unit to be renovated on the second floor.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for food service and other required permits.
2. Access ramp to the entrance including sidewalk improvements will be required to ensure safe ingress and egress for all customers and to achieve ADA compliance.

Brian Crawford made a motion to accept the Staff Opinion for **Case #: 01-210603745**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 03-210603736

Project Name: Local Law - Home Occupation

Applicant: Town of Berne

Project Location: Town of Berne

Municipality: Town of Berne

Parcel Size: 0.00 N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Berne Legislative Board

Considerations: Amendment of local law to change zoning for Home Occupation.

Action Type: Amendment of Local Law

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: This is an application to amend the Local Law for Home Occupation. Section 190-34 Home Occupation is to be amended by deleting the existing entry and replacing section 190-34 that includes guidelines and standards to individuals conducting business, trade or profession in their residence or an accessory building. Section 2 of the Amendment states that the code of the Town of Berne shall delete the existing definitions for Home Occupation, Home Occupation Low-Impact and Home Occupation Major with revised definitions in the Section 190-75 of the Town Code. Section 3 of the Amendment states that the Code of the Town of Berne shall be amended by deleting the existing portions of appendix 190a Attachment 1 by adding definitions. Section 4, Section 5 and Section 6 of the Amendment states Suppression, Severability of Provision and Effective Date of the Local Law.

Staff Opinion: Modify local approval to include

1. Notification of the amendment of Local Law should be sent to all adjacent municipalities pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 03-210603736**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 04-210603727

Project Name: Glenmont Shopping Plaza Retail/Restaurant and Drive-Up ATM

Applicant: Benderson Development Company, LLC

Project Location: 380-392 Feura Bush Rd

Municipality: Town of Bethlehem

Parcel Size: 14.07 acres

Zoning: Commercial Hamlet District (CH)

Tax Map Number: 97.15-2-3./9001

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for modification of 5,262 SF Retail/Restaurant building and drive thru ATM which received variances previously from ZBA.

Action Type: Site Plan Review

Juris. Determinant: Federal Highway, Town Road

Potential Impacts: Route 9W, Feura Bush Road

Staff Notes: This is an application for site plan review for a proposed 6,798 SF retail/restaurant building with a drive thru lane, a drive thru ATM within the main parking field and associated site drainage, utility and landscape modifications. A variance application for parking space reduction of 74 spaces in addition to the previous 62 space reduction that was previously granted, bringing the overall reduction to 136 spaces. Total acreage of physical disturbance is anticipated to be +/-3.9 acres. As per the SEAF, the storm water discharges will be directed to existing on-site storm water.

Staff Opinion: Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. A Construction Activity Permit GP-0-15-002 will be required.
3. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway is required.

4. The Town should ensure that there are adequate parking spaces for the proposed use(s) since it is significantly lesser than required by the Town Code.

Advisory Note: 1. The applicant must note that the numbers for proposed area on referral application and Short Environment Assessment Form do not match.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 04-210603727**. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: 04-210603728

Project Name: Route 9W Plaza - Glenmont Ventures, LLC

Applicant: Tri Capital Realty, LLC

Project Location: Route 9W (Lowe's Northern Driveway)

Municipality: Town of Bethlehem

Parcel Size: 10.80 acres

Zoning: General Commercial District ©

Tax Map Number: 86.00-2-22.3

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and special use permit for proposed 15,700 SF mixed use retail building with 151 parking spaces consisting of Restaurants with drive thru and drive up ATM Kiosk.

Action Type: Site Plan Review, Special Use Permit

Juris. Determinant: Interstate Highway, State Highway, Agricultural District

Potential Impacts: I87 New York State Thruway, Route 9W, Agricultural District

Staff Notes: This is an application for site plan review and special use permit to construct approximately +/- 15,700 SF mixed use retail building. Due to the site's proximity to the VanDerPoel-Haswell House as an eligible property on the National or State Register of Historic Places, SHPO was consulted and a letter of no impact was provided. 4.5 acres of disturbance is anticipated during the proposed action. This case was reviewed by the Board in March 2021 (Case #: 04-210303653) for Area variance for commercial structures to include medical business, restaurant with drive-thru and retail building with remote ATM not meeting minimum setback to side property. The ACPB decision was "Defer to local consideration:1. This board has found that the proposed action will have no significant countywide or intermunicipal impact." This case was also reviewed by the Board in May 2021 (Case #:

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04-210503700) for Site plan review and special use permit for proposed development of commercial space consisting mixed used retail buildings with 135 parking spaces. The ACPB decision was "Modify local approval to include: 1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway."

Staff Opinion: Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway is required.

Gerry Engstrom discussed some traffic concerns in that area, however any expansion of 9W would be a DOT issue.

Brian Crawford made a motion to accept the Staff Opinion for **Case #: 04-210603728**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 07-210603732

Project Name: Burger King

Applicant: Robert Blood

Project Location: 663 Loudon Road

Municipality: Town of Colonie

Parcel Size: 0.53 acres

Zoning: Commercial office Residential District (COR)

Tax Map Number: 31.1-5-21

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to operate new fast-food restaurant and associated waste refuse located approximately 92' and 110' from the boundary line of SFR district where 200' is required.

Action Type: Area Variance

Juris. Determinant: Federal Highway, State Highway

Potential Impacts: 9 Loudon Road, 155 Watervliet Shaker Road

Staff Notes: The proposed new 3,098 SF fast-food restaurant and associated waste refuse located in the Commercial Office Residential (COR) zoning district are approximately 92' and 110' from the boundary line of the Single Family Residential (SFR) zoning district where 200' is required, as stated in the Town of Colonie Land Use Law, Article VI, Section 190-26(D)(4). The property currently functions as a fast food restaurant with waste refuse and has been for several decades. As per the Article VI, Section 190-26 (D)(4) post-dates the current use of the property. Proposed site improvements include moving the restaurant building and trash enclosure further away from SFR district. This proposed action includes demolition review of the existing 3,539 SF restaurant and construction of the 3,098 SF restaurant building with 45 seat maximum capacity. new masonry trash enclosure with 420 SF dry storage room proposed adjacent to primary structure. Proposed site improvements include new double drive-thru facility with 14 vehicle stacking, on site parking for 25 vehicles, new landscaping, signage and utility connections. Less than 0.77 acres of physical disturbance is anticipated during the proposed action.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for food service and other required permits.
2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway is required.

The Board discussed that DOT should be consulted regarding this project (noted above).

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 07-210603732**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210603733

Project Name: Keeler Dealership & Collision Center

Applicant: Robert Cordeli (Keeler Motor)

Project Location: 1111 Troy Schenectady

Municipality: Town of Colonie

Parcel Size: 43.35 acres

Zoning: Commercial office Residential District (COR)

Tax Map Number: 8.3-1-39.1-1

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to meet the requirements for maximum building foot print allowed.

Action Type: Area Variance

Juris. Determinant: County Road, State Highway

Potential Impacts: 151 Albany Shaker Road, 7 Troy Schenectady Road

Staff Notes: The applicant proposes to construct a new collision center with 47,000 SF and a new Honda dealership facility with 43,060 SF located in the Commercial Office Residential (COR) zoning district where both exceed the 30,000 SF maximum building footprint allowed, as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25, and 190 #2 Dimension Table. The subject property is occupied by a large automobile dealership which requires large building footprints due to number of vehicles needing service. The applicant intends to meet the Honda Brand standards for Honda sales and services. The proposed action also includes combining Alpha Romeo, Maserati and collision center in the same building.

Staff Opinion: Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway is required.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 07-210603733**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210603740

Project Name: Material Storage Building

Applicant: John Finetti, Finetti Construction Inc.

Project Location: 850 Old Albany Shaker Road

Municipality: Town of Colonie

Parcel Size: 4.20 acres

Zoning: Airport Business Area District (ABA)

Tax Map Number: 18.-1-42.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of a new 60'x60' material storage building for AGI construction specializing in underground utility construction. The building will be use to store pipe fittings, gas meters, tools and equipment. No changes to the ingress/egress is proposed.

Action Type: Site Plan Review

Juris. Determinant: County Road, Airport Business District

Potential Impacts: Old Albany Shaker Road

Staff Notes: This is an application for construction of 60'x60' material storage building to store underground construction utilities behind the existing warehouse building. The site is already developed and no change in use is proposed. The new building will not have water or sewer and no additional impervious area is proposed. As per SEAF, less than one acre of physical disturbance is proposed. The proposed addition will be used to stare pipe fittings, gas meters, tools and equipment and will be located approximately 80' from the back of the current building with sufficient access for fire apparatus will be maintained on all sides. The proposed site statistics include 13,087 SF of building, 87,793 SF of pavement and 81,609 SF of greenspace. The structure is proposed to be built in a single phase.

Staff Opinion:

Modify local approval to include

1. Review by the FAA (Form 7460-1 available from www.faa.gov) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 07-210603740**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 13-210603739

Project Name: SUP #622

Applicant: Dikart Oreifel

Project Location: 1D Bullock Road

Municipality: Town of New Scotland

Parcel Size: 2.30 acres

Zoning: Residential Agricultural (RA)

Tax Map Number: 94.-1-30.11

Referring Agency: Town of New Scotland Planning Board

Considerations: Special use permit to allow a pond to be constructed on a parcel that has a dwelling being constructed and has a current SWPPP for disturbance over one acre.

Action Type: Special Use Permit

Juris. Determinant: Agricultural District

Potential Impacts: Agricultural District, NWI Wetlands

Staff Notes: The applicant proposes to construct a pond approximately 5,000 SF in size for personal use on a single family residential lot. The property is approximately 2.30 acres in size and is currently under construction of the single family residence. The proposed pond is approximately 0.12 acres in size and required a Special Use Permit pursuant to Town of New Scotland regulations. The parcel consists of a well in the northeastern corner and the onsite wastewater treatment system is located on the southwestern area of the site.

Staff Opinion: Modify local approval to include

1. The final site plan for the proposed pond should include a stamp by licensed professional.
2. The Town should confirm with NYSDEC if a permit will be required for construction of a dam/berm for the proposed pond.

The Board reviewed the site plan. Jim Mearkle stated that wording should be added that the site plan should be reviewed by a licensed engineer and that the town should check with DEC to see if a permit is required (noted above).

Brian Crawford made a motion to accept the Staff Opinion for **Case #:13-210603739**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 18-210603737

Project Name: Maslowsky Subdivision

Applicant: Carol Maslowsky

Project Location: 85 Woodstock Road

Municipality: Town of Westerlo

Parcel Size: 88.80 acres

Zoning: Rural Development/Agricultural (RD/A)

Tax Map Number: 115.-2-5.2

Referring Agency: Town of Westerlo Planning Board

Considerations: Three-lot minor subdivision to divide 88.8 acres into three (3) parcels.

Action Type: Subdivision Review

Juris. Determinant: Agricultural District, Intermuniciple Boundaries

Potential Impacts: Agricultural District, Intermuniciple boundaries of Town of Westerlo and Town of Berne

Staff Notes: The applicant proposes to subdivide 88.8 acres of land into three parcels. Lot #1 to be 10.652 acres which is a bare land on the east side of the Woodstock Road to be sold, Lot #2 to be 15.828 acres proposed for development (originally a farm house and barn) and the remaining 62.3 acres of land to be retained which contains the maple sugar house. As per the SEAF, 73 acres of physical disturbance is anticipated and the stormwater runoff will be directed to the existing water courses running through the property. No municipal storm sewers are present in the area.

Staff Opinion: Modify local approval to include

1. Notification of the application should be sent to the Town of Berne, including all required notices pursuant to GML §239-nn.
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 and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 18-210603737**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 02-210603725

Project Name: Amendment to SUP

Applicant: Nadia Raza

Project Location: 187 Main Street

Municipality: Village of Altamont

Parcel Size: 1470.00 SF

Zoning: Central Business District (CBD)

Tax Map Number: 48.06-3-1

Referring Agency: Village of Altamont Legislative Board

Considerations: Amendment of local law for Special Use Permit modification to allow outdoor music and entertainment to the proposed expansion of existing restaurant.

Action Type: Amendment of Local Law

Juris. Determinant: State Highway

Potential Impacts: 156 Main Street, 156 Altamont Blvd, Historic District, NWI Wetlands

Staff Notes: This is an application to amend the Special Use Permit requirements. The applicant, Nadia Raza, proposes to expand the existing Sit Down Restaurant. The expansion is a new 1,470 SF single story addition to the existing multi-tenant building adjacent to the applicant's leased restaurant and adjacent outdoor space. This expansion includes additional seating and service areas and outdoor music and entertainment. The applicant has submitted an application for Special Use Permit modification that includes a Short Environmental Assessment Form (SEAF) and a narrative. The submitted documents include revised sketch plan

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that identifies a designated area where outdoor artists and equipment, including amplifiers, would be located. The revised narrative was also submitted which included proposed hours of operation, the type and frequency of outdoor entertainment and request for the Special Use Permit modification to allow cigar and hookah smoking.

Staff Opinion:

Modify local approval to include

1. Notification of the amendment to special use permit should be sent to all adjacent municipalities including all required notices pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 02-210603725**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Old Business: Going forward, meetings will be held in person. July and August will be at the Cornell Cooperative Extension office. Today is the last meeting via Skype.

New Business: Ridgewood Subdivision was reviewed at last month's meeting (May 20, 2021). We received a letter from the Birchwood Neighborhood Association on June 15, 2021 asking us not to vote on it. The letter was addressed to Dominic Rigosu with a cc to Gopika Muddappa and Sean McGuire (Town of Colonie) The Association claims that the application was premature to vote upon. The Albany County Planning Board vote already took place in May so the Board is unsure if there is anything further we can or should do (See **Attachment A** for the information regarding this case and the decision made by the ACPB).

Dominic and Gopika will continue to reach out to Sean McGuire to get some clarification on the issues raised by the Birchwood Neighborhood Association.

Adjourn: Gerry Engstrom made a motion to adjourn at 4:18PM.

A transcription and/or video recording of this meeting will be made available upon receipt of a FOIL request.

ATTACHMENT A

Case #: 07-210503709

Project Name: Ridgewood Subdivision

Applicant: Charlew Builders, Inc.

Project Location: 34 Denison Rd

Municipality: Town of Colonie

Parcel Size: 102.79 acres

Zoning: Single Family Residence (SFR)

Tax Map Number: 17.2-1-1.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review and subdivision review for development of 79 residential units, 6 lots reserved for stormwater management, and remaining lands as open space as well as offered to the Town for a pocket park.

Action Type: Site Plan Review, Subdivision Review

Juris. Determinant: Town Road, Intercounty Boundaries

Potential Impacts: Vly Road, Intercounty boundaries of Albany County and Schenectady County

Staff Opinion: Modify local approval to include

- 1.A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Notification of the application should be sent to Schenectady County, including all required notices pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 07-210503709.** The motion was seconded by Travon Jackson and was unanimously approved by the Board.