

**NOTE:** Due to issues related to Covid-19, the December 16, 2021 meeting of the ACPB was held remotely via Microsoft Teams. 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.

**Board Members Present:** Brian Crawford, Gerry Engstrom and Travon Jackson

**Albany County Public Works Office:** Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer; Jim Mearkle, Traffic Engineer; Robert Gunther, Stormwater Program Technician; Sameer Modasra, Ex-Officio; and Ransom Moore, Ex-Officio.

**Minutes:** Lynn Delaney

**Call to Order:** Gerry Engstrom called the meeting to order at 3:34PM.

Brian Crawford made a motion to approve the November 18, 2021 meeting minutes. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Gerry Engstrom requested to go over something prior to the case review. He stated that the planning board is having difficulty with things not being submitted on time and with submissions that are missing significant required documentation. Therefore he has a statement he wants to read aloud for the record.

The statement reads as follows:

*“The Albany County Planning Board is asking all referring agencies and municipalities to please observe our submission deadlines and submission requirements. The Board has been receiving late submissions, submissions lacking significant documentation and initial submissions with significant documentation provided at the last minute. The Board is required to review all applicable submissions with the same requisite hard look that local planning, zoning and town boards are required per NYS Environmental Conservation law and Section 239 of State Code. The Board respectfully requests that all submissions be received as a complete package by the advertised deadlines provided both on our webpage and I will be reading off this date at the announcement of our next meeting once we have voted on referrals. Incomplete submissions will be returned or tabled until all materials are received by the Senior Planner or the Secretary of the Board, and late submissions will be placed on the next month’s agenda if received after the filing deadline per Board Bylaws. Of special consideration a project site on or within 500ft of an Agricultural District with active farming operations is a jurisdictional determinant for referral to the County Planning Board. In these cases an Agricultural Data Statement is required to be filed with the submission to be considered complete. Applications will not be considered complete if an Agricultural Data Statement document completed form is not received.”*

He continued, “We are consistently getting submissions with no Ag Data Statement and it is, in and of itself, a reason to be referred to the Planning Board. So we really need those, they are part of what we review, and they are important. So I am hoping this reaches enough folks between the record and who is on the phone to remind everybody that we have a tough job and it’s getting kind of hard to get reviews done on time when stuff keeps coming in late.”

Brian Crawford made a motion to move the 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 Travon Jackson and was unanimously approved by the Board.

**Case #:** **04-211203874**

**Project Name:** **South Albany Airport**

**Applicant:** South Albany Airport Corp.

**Project Location:** 6 Old School Road, Selkirk

**Municipality:** Town of Bethlehem

**Parcel Size:** 64.00 acres

**Zoning:** Rural Light Industrial (RLI) District

**Tax Map Number:** 120.00-5-20

**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance to replace existing sign with new sign located in the same place on the Albany County Right-of-Way/county property.

**Action Type:** **Area Variance**

**Juris. Determinant:** County Road, South Albany Airport

**Potential Impacts:** CR 53 Old school Road, CR 55 Creble Road, South Albany Airport

**Staff Notes:** The applicant proposes to install a free stand sign and as per Section 128-59(B) of the town code, no signs should be installed within the public ROW other than an official traffic sign and as per Section 128-59 (I) all signs in the Rural Light Industrial (RLI) district and Heavy Industrial District (I) should have setback not less than 10' from the highway ROW and 35' from the highway center line. The current sign has been existing over 30 years and the proposed sign is to be installed on the same spot but slightly outside the property line. In order to comply, the sign would need to be moved back towards the airport property approximately 32' so that it is setback no less than 10' front the property line.

**Staff Opinion:** Defer to local consideration

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

**Case #:** **07-211203872**  
**Project Name:** **Pink Cleaning Parking**

**Applicant:** Derek Gribulis  
**Project Location:** 200 Troy Schenectady Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 2.30 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 31.2-4-30  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Use variance to allow overnight parking of three company vehicles.

**Action Type:** **Use Variance**

**Juris. Determinant:** State Road  
**Potential Impacts:** 2 Troy Schenectady Road

**Staff Notes:** The proposal to store three (3) overnight company vehicles, within the Commercial Office Residential (COR) zoning district is not complaint as an accessory use as per the town land use law. Therefore, an area variance is requested since the company does not have any other alternative option to park the vehicles. The parking is proposed at the back of the building.

**Staff Opinion:** Defer to local consideration  
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

**Case #:** **10-211203862**  
**Project Name:** **6182 Johnston Road**

**Applicant:** Joyce Livingston  
**Project Location:** 6182 Johnston Road

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**Municipality:** Town of Guilderland  
**Parcel Size:** 87149.00 SF  
**Zoning:** RO40  
**Tax Map Number:** 52.03-1-21.1  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Area variance to allow subdivision resulting in lot width and lot area.

**Action Type:** **Area Variance**

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 203 Johnston Road

**Staff Notes:** The applicant proposes to subdivide the property that is currently in a nonconforming use, into two for future rebuilding/ selling each structure separately. The parcels are to be 0.528 acres (Lot #1) and 1.473 acres (Lot #2) after the subdivision. The subdivision will not meet the lot square footage requirement and road frontage requirement for the minor subdivision. Hence, an area variance is required.

**Staff Opinion:** Defer to local consideration  
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

**Case #:** **10-211203868**  
**Project Name:** **Jon Philips**

**Applicant:** AJ Signs  
**Project Location:** 6517 Rt 158 Altamont  
**Municipality:** Town of Guilderland  
**Parcel Size:** 4.28 acres  
**Zoning:** General Business (GB)  
**Tax Map Number:** 38.00-1-26.31  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Area variance to allow signage exceeding allowable quantity (2) and area (50 SF).

**Action Type:** **Area Variance**

**Juris. Determinant:** State Road, Agricultural District

**Potential Impacts:** State Route 146, State Route 158, Agricultural District, FEMA Floodzone

**Staff Notes:** The applicant requires an area variance to install four (4) 48"x96" wall signs where only two (2) are allowed. The signage is to notify the passersby and motorists Route 156 and Route 146 of the location and to draw potential customers into the store.

**Staff Opinion:** Defer to local consideration  
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

**Case #:** 14-211203878

**Project Name:** **Wild Room Inc.**

**Applicant:** Jessie Wichman

**Project Location:** 172 Main Street

**Municipality:** Village of Ravenna

**Parcel Size:** 0.13 acres

**Zoning:** Single and Two-Family Residence (R-2), Planned Commercial (C-1P)

**Tax Map Number:** 168.10-3-14

**Referring Agency:** Village of Ravenna Planning Board

**Considerations:** Site Plan Review to turn the vacant building into tattoo shop on the first floor and an art studio on the second floor.

**Action Type:** **Site Plan Review**

**Juris. Determinant:** State Road

**Potential Impacts:** 143 Main Street, FEMA Floodzone, NWI Wetlands

**Staff Notes:** The applicant proposes to remove all prior business uses and use the space for a tattoo parlor and a private art studio. The studio will also be used for creation of art related to production of comic book series.

**Staff Opinion:** Defer to local consideration  
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

The Board did not have any questions or concerns. Travon Jackson made a motion to accept the Staff Recommendation for Referral # 04-211203874, 07-211203872, 10-211203862, 10-211203868 & 14-211203878. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Case #:** 01-211203863  
**Project Name:** **City of Albany USDO Updates**

**Applicant:** City of Albany Common Council  
**Project Location:** City of Albany  
**Municipality:** City of Albany  
**Parcel Size:** N/A  
**Zoning:** R-1L, R-1M, R-2, R-T, R-M, R-V, MU-NE, MU-NC, MU-CU, MU-CI, MU-CH, MU-DT, MU-FM, MU-FC, MU-FS, MU-FW, I-1, I-2, LC  
**Tax Map Number:** N/A  
**Referring Agency:** City of Albany Legislative Board

**Considerations:** Re-submission of Referral #01-211103838 with a minor correction to retain the existing 5% affordable housing requirement that was mistakenly omitted from Referral #01-2111103838.

**Action Type:** **Adoption/Amendment of Zoning Ordinance**

**Juris. Determinant:** N/A  
**Potential Impacts:** N/A

**Staff Notes:** The City of Albany is proposing to update the affordable housing requirements that was mistakenly omitted from Referral #01-2111103838.

**Staff Opinion:** Modify local approval to include  
1. Notification of the amendment of zoning update should be sent to all adjacent municipalities, pursuant to GML §239-nn.

The Board did not have any questions or concerns. Brian Crawford made a motion to accept the Staff Recommendation for Referral # 01-211203863. The motion was seconded by Travon Jackson and it was unanimously approved by the Board.

**Case #:** 04-211203864  
**Project Name:** **Albany Port District Commission - Marmen - Welcon Tower Mfg. Plant**

**Applicant:** Marmen-Welcon Tower Manufacturing Plant  
**Project Location:** River Road, Port Road, 700 Smith Blvd  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 82.62 acres  
**Zoning:** Heavy Industrial  
**Tax Map Number:** 98.01-2-1,98.00-2-10.23  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan review to build up to 1.3 million square feet of industrial space. 604K SF offshore wind tower manufacturing facility spread over five (5) buildings to include 500 linear foot wharf along the Hudson River.

**Action Type:** **Site Plan Review**

**Juris. Determinant:** State Road, Municipal Boundary, Federal Water  
**Potential Impacts:** 144 River Road, Intermunicipal boundaries of Rensselaer County, Intermunicipal boundaries of City of Albany, FEMA Floodzones, Hudson River

**Staff Notes:** The proposed project consists of a 604,000 +/- square foot offshore wind tower manufacturing facility spread out over five(5) separate buildings. The project also includes a 500 linear foot wharf along the Hudson River to ship completed tower sections. Tower production will occur within four(4) buildings (buildings A-D) located on the Port Expansion property located in the Town of Bethlehem. The 5th building (building E) is located at 700 Smith Boulevard within the existing Port District in the City of Albany. The following is a breakdown of the function and size of each building: (1) Building A Plate Preparation & Welding (291,617 s.f.), (2) Building B Welding Finishing (89,074 s.f.), (3) Building C Blast Metallization Plant (142,371 s.f.), (4) Building D Internal Assembly finishing (67,217 s.f.), and (5) Building E Material receiving (13,500 s.f.). The facility is anticipated to employ approximately 300-350 full time workers and parking will be situated on adjacent land owned by National Grid property. A total of 16.5 acres is anticipated to be disturbed. The proposed action will includes activities that result in the impoundment for the purpose of stormwater detention with surface water runoff. Total acres of aquatic vegetation proposed to be removed is 850+/- square meters for the purpose of dredging for marine wharf and the existing submerged aquatic vegetation (SAV) is to be transplanted by hand to avoid net loss. The proposed project includes construction of

approximately 2.5 acre parking lot on the 18.22 acre parcel in Bethlehem (ID 98.00-2-10.21) and approximately 15 acres of impervious surface at 700 Smith Boulevard. The proposed action is anticipated to result in a substantial increase in traffic.

**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 the City of Albany, including all required notices pursuant to GML §239-nn.
3. Notification of the application should be sent to Rensselaer County, including all required notices pursuant to GML §239-nn.
4. Notification to the local fire department for review and comment on emergency access and the emergency plan.
5. 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.
6. Review by the New York State Department of Environmental Conservation Division of Environmental Permits (Region 4) to determine if permits or additional review are required due to the significant amount of wildlife species identified to be present in the project site. The generic EIS was completed for the site that may address this comment in its entirety.
7. A phasing plan is required by NYSDEC since the total acreage of land disturbance is more five (5) acres.

**Advisory Note:**

1. The Albany County Planning Board encourages the New York State Department of Transportation to consider lowering the speed limit for the area to ensure traffic safety.

Brian Crawford stated that he thinks this project will be good for the area but he does have concerns the impact of the additional truck traffic around the Port. Gerry Engstrom said he initially had some environmental concerns, but those have been alleviated after reviewing the EIS and consulting with the Stormwater Program Technician. He agrees with Mr. Crawford about traffic concerns. Steve Boisvert of McFarland Johnson, the applicant's engineer, asked to make some clarifications. He discussed the updated traffic impact study and stated that it has been reviewed with DOT, the Town and all Emergency



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Services within the town. Mr. Boisvert also said that the left turn that the Board is concerned with satisfies all DOT and Federal Highway requirements. Jim Mearkle, Traffic Engineer stated that one of the problems is that left turn prohibitions tend to have a poor compliance rate. Travon Jackson also stated he had concerns about what will be put in place to ensure compliance with this turn. Mr. Boisvert stated that there are 2 layers of compliance built into the project and outlined what they are. He also said that the Town has the same concern regarding compliance and the Town Planning Board is also asking for the same type of operational agreement between the Port and Marmen as part of the Site Plan approval.

The Board decided they will add an advisory note regarding the speed limit for SR 144 (noted above).

Travon Jackson made motion to accept the Staff Opinion with the addition of the Advisory for Case #04-211203864. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

<b>Case #:</b>	<b><u>04-211203876</u></b>
<b>Project Name:</b>	<b>Vista Development Group LLC</b>
<b>Applicant:</b>	Vista Development Group, LLC
<b>Project Location:</b>	125 Vista Blvd
<b>Municipality:</b>	Town of Bethlehem
<b>Parcel Size:</b>	26.00 acres
<b>Zoning:</b>	Mixed Economic Development District (MED)
<b>Tax Map Number:</b>	74.00-1-29.1
<b>Referring Agency:</b>	Town of Bethlehem Zoning Board of Appeals
<b>Considerations:</b>	Area variance to allow construction of 350,000 SF facility with a 0' rear lot line where 40' is required.
<b>Action Type:</b>	<b>Area Variance</b>
<b>Juris. Determinant:</b>	Municipal Boundary, Agricultural District, State Road, NWI Wetlands
<b>Potential Impacts:</b>	Intermunicipal Boundaries of Town of New Scotland and Town of Bethlehem, Agricultural District, 85 Slingerlands Bypass
<b>Staff Notes:</b>	The applicants seeks an area variance to allow construction of building with 0' rear lot line where 40' is required as per Section 128-000 A. Schedule of Area, Yard and Bulk Requirement. The applicant sees this as a necessity to waive the setback requirement since the Vista Tech Park (VTP) is located on property that is within the jurisdictional boundaries of both the Town of Bethlehem and the Town of New Scotland. Both the

lots are treated as one for the establishment of the project. The setback requirements are triggered only because of the presence of the municipal boundary which does not relate to the underlying ownership of the property. This project a TBBP is a primary use that was contemplated for the VTP at the time the SEQRA review was undertaken for the rezoning for the VTP approved by the Town of Bethlehem Town Board. The proposal is in accordance with the zoning and the variance is required by the existence of the municipal boundary which artificially divides the lot that is proposed to be created for the TBBP. The construction will include a 350,000 +/- SF facility with technology based manufacturing on a newly created parcel with an area of 26 +/- acres to be known as 125 Vista Boulevard. The building will include 50,000 +/- SF of office space in a two-story section of the building with the balance of the building area being devoted to manufacturing and warehousing/storage space . Approximately 600 parking spaces will be provided and 26 +/- loading docks.

**Staff Opinion:** Modify local approval to include  
1. Notification of the application should be sent to the Town of New Scotland, including all required notices pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion for Case #**04-211203876**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** **04-211203877**  
**Project Name:** **Vista Tech Campus**  
**Applicant:** Vista Development Group, LLC , Att: Brandon Stabler  
**Project Location:** 125 Vista Blvd  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 26.00 acres  
**Zoning:** Mixed Economic Development District (MED)  
**Tax Map Number:** 74.00-1-29.1  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Site plan review for the tech based project of 350,000 SF of office, manufacturing and warehousing space 37' height with 26 loading docks. Sewer and water to be provided by the Town of Bethlehem. Subdivision Review for 214 acres with 26 acres to be subdivided

**Action Type:** Site Plan Review, Subdivision Review

**Juris. Determinant:** Municipal Boundary, Agricultural District, State Road, NWI Wetlands  
**Potential Impacts:** Intermunicipal Boundaries of Town of New Scotland and Town of Bethlehem, Agricultural District, 85 Slingerlands Bypass

**Staff Notes:** Vista Development Group, LLC, owns approximately 214 acres of the remaining lands in the Vista Technology Park. These lands include the proposed 26 acres to be subdivided into a lot to be known as 125 Vista Boulevard (project site). The site will be developed with a Technology Based Business Project (TBBP) comprising 350,000 SF of office, manufacturing and warehousing space. The office portion of the TBBP is to be 50,000 SF in two stories of 25,000 SF each. The manufacturing and warehousing space will be in an attached building that is 37 feet high with 26 loading docks. Approximately 600 parking spaces will be provided, along with stormwater measures, landscaping, and accessory structures, including a laydown area. The project site is in both Town of Bethlehem and Town of New Scotland. A small portion of the building, the laydown area and some parking/loading areas will be in the Town of New Scotland with the remainder of the project located in the Town of Bethlehem. The water and sewer services will be provided entirely by the Town of Bethlehem and the town has the responsibility for the ownership and maintenance of the stormwater measures associated with Vista Boulevard and has acted as the MS4 in the review of the existing SWPPP held by Vista Technology Group, LLC for work in the Park. Currently, there are areas where grading is underway on and beyond the Project Site to address a soil stockpile that was previously placed on the site. There are federal wetlands (NWI Wetlands) located on the site. The Town of Bethlehem Zoning Board of Appeals has also requested for an area variance to waive the requirement for setback requirements since both the parcels on Town of Bethlehem and Town of New Scotland is to be treated as one. Approximately 1,625 employees will be based at this site. Approximately 30 acres of land disturbance is anticipated during the proposed action. As per FEAF, the location identifies predominant wildlife including deer, fox, squirrel, chipmunk, snakes and birds. The project will use and store bulk hydrogen and nitrogen at the site in aboveground storage tanks. All vegetation that is proposed to be disturbed or removed is to be revegetated with mitigation measures including SWPPP, combined with proper construction techniques and BMP's, will all work to mitigate potential adverse impacts related to slope disturbances.

**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 the Town of New Scotland, including all required notices pursuant to GML §239-nn.
3. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
4. A maintenance agreement must be developed for all Stormwater Management Practices and implemented by the site owner once the site has been developed.
6. Once the site is developed, the daily operations may require coverage under SPDES Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-17-004).
7. Notification to the local fire department for review and comment on emergency access and the emergency plan.

**Advisory Note:**

1. Due to the project's proximity to the Normans Kill creek to the rear of the property, it is advised that the applicant take special precautions to avoid any destabilization of the Normans Kill embankments and slopes and avoid placement of any throw materials in the vicinity of the embankments or the slopes. This is due to the historically poor soils and embankment erosions of the Normans Kill and its seasonal high water level that further destabilizes the embankments. Special considerations should also be to treated stormwater outfalls and any run off to avoid potential destabilization of the Normans Kill embankments.

Gerry Engstrom stated that in the staff notes there is mention of the wildlife on the site. The FEIS does already address plant and animal wildlife on the site, therefore we do not need to add a modification regarding this. The Board decided to add an advisory regarding the stability of the Normanskill embankments and slopes (noted above).

Theresa Bakner on behalf of Vista Development Group called into the meeting. She stated that slope stability is being thoroughly investigated and they are paying attention to this in the site design. The slope stability is also addressed in the Town Zoning Code.

Brian Crawford made a motion to accept the Staff Opinion for Case #04-211203877. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** 04-211203879  
**Project Name:** **The Learning Garden Day Care Center**

**Applicant:** Jennifer A. and P. Gavin Hogan  
**Project Location:** 387 Krumkill Road  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 2.10 acres  
**Zoning:** Residential A  
**Tax Map Number:** 63.15-1-20  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan review and special use permit for the proposed day care center former church, 4,243 SF building addition with parking lot improvements and new water services.

**Action Type:** **Site Plan Review**

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 204 Krumkill Road, FEMA Floodzone

**Staff Notes:** The applicant proposes to construct a 4,000 square foot (sq. ft.) building addition keyed onto the northeast corner of the existing structure along with parking lot improvements at 387 Krumkill Road. The proposed use is not allowed is not allowed in the RA Zone and a use variance was requested on October 7, 2020. The sponsors are proposing to rehabilitate the structure, construct a building addition with site appurtenances and build-out specific to a day-care center operation. The scope of work for the proposed project involves select removal of vegetation, grading, site and pad preparation for the building addition and paving operations. No changes to the remaining principal access points are proposed. A new water service is proposed to service both domestic and fire service demands. Total acreage of land disturbance is less than one acre. This case (04-200803529) was previously reviewed by the Albany County Planning Board in August 2020 for a use variance and the determination was, "Disapproved - 1. The applicant should provide a site plan prepared by licensed Professional and it should locate all the existing and proposed buildings and it should also locate any existing and/or proposed curb cuts on CR 204 Krumkill Road." The application includes a letter from OPRHP that the proposed action and renovation is appropriate to the historic building and has no adverse impacts.

**Staff Opinion:** Modify local approval to include

1. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.
2. Review by and any necessary permits from the NY State Office of Children and Family Services.

Travon Jackson made a motion to accept the Staff Opinion for Case #04-211203879. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

<b>Case #:</b>	<b><u>05-211203866</u></b>
<b>Project Name:</b>	<b>CRC Use Variance</b>
<b>Applicant:</b>	CRC, LLC
<b>Project Location:</b>	14 Dock Street
<b>Municipality:</b>	Town of Coeymans
<b>Parcel Size:</b>	0.25 acres
<b>Zoning:</b>	R-2
<b>Tax Map Number:</b>	168.12-3-26
<b>Referring Agency:</b>	Town of Coeymans Zoning Board of Appeals
<b>Considerations:</b>	Use variance to allow a multi-family residence in the R-2 zone with seven (7) unit apartments where only two family residence is allowed.
<b>Action Type:</b>	<b>Use Variance</b>
<b>Juris. Determinant:</b>	State Road, Federal Waters
<b>Potential Impacts:</b>	144 Main Street, Hudson River, Historic District, FEMA Floodzone
<b>Staff Notes:</b>	The applicant proposes to renovate an existing 8,500 square foot historical building in Coeymans Landing. The building was built in the 1830's and was used as a six (6) unit apartment type building from the 1930's through 2010's. The proposal includes historical renovation to include seven (7) units in the building, while retaining all historical elements from the original construction and prior renovation. The parcel is located within NYS Heritage Areas: Mohawk Valley Heritage Corridor. No land disturbances are expected during the renovation.
<b>Staff Opinion:</b>	Modify local approval to include

1. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources since the site is within the Historic District.
2. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.

Brian Crawford made a motion to accept the Staff Opinion for Case #**05-211203866**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** **05-211203867**  
**Project Name:** **Holcim Two-Lot Subdivision**

**Applicant:** Holcim (US) Inc.  
**Project Location:** Spoor Drive and Nolan Road Ext.  
**Municipality:** Town of Coeymans  
**Parcel Size:** 3215.00 acres  
**Zoning:** R-1, RA, I-1  
**Tax Map Number:** 156.-2-1.11  
**Referring Agency:** Town of Coeymans Planning Board

**Considerations:** Two-lot subdivision to divide the parcel into two lots. Lot#1 to be 12.7 acres and Lot #2 to be the remaining 3203 acres.

**Action Type:** **Subdivision Review/Lot Line Adjustment**

**Juris. Determinant:** State Road, County Road, Federal Highway, Agricultural District  
**Potential Impacts:** 143 Martins Hill Road, County Route 101, US Route 9W, Intermunicipal boundaries of Town of Coeymans and Village of Ravena, Agricultural District, NWI Wetlands

**Staff Notes:** This is an application for lot line adjustment/subdivision between Lands of Holcim and Lands of N/F Tanner. After the subdivision, Lot #1 is to be 12.7 acres and Lot #2 is to be the remaining 3203 acres. The parcel will have well and septic on site in the future. No land disturbances are expected during the subdivision.

**Staff Opinion:** Modify local approval to include

1. Notification of the application should be sent to the Village of Ravena, including all required notices pursuant to GML §239-nn.
2. An AG data sheet should be provided since the property is located within an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.

Travon Jackson made a motion to accept the Staff Opinion for Case #**05-211203867**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Case #:** **07-211203871**  
**Project Name:** **NYSIF Insurance Building at Riverhill Center**

**Applicant:** First Columbia LLC  
**Project Location:** 1201 Troy Schenectady Rd  
**Municipality:** Town of Colonie  
**Parcel Size:** 16.80 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 8.3-1-23  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for demolition of an existing one-story former medical office building and the construction of a new four-story regional headquarters building for the new York Insurance Fund

**Action Type:** **Site Plan Review**

**Juris. Determinant:** State Road, Municipal Boundaries  
**Potential Impacts:** 7 Troy Schenectady Road, Intermunicipal boundaries if Town of Colonie and Schenectady County.

**Staff Notes:** The proposed project includes the demolition of the existing one-story office building (1201 Troy Schenectady Road) that is approximately 26,000 SF, interior renovation of the building at 1203 Troy Schenectady Road and the construction of a new 107,000 SF four-story building. The new building is proposed to be constructed in the same general area as the building at 1201 is to allow direct connection to the existing 1203 building. The previously approved 80,000 SF 1199 Troy Schenectady Rd. building was proposed on the eastern side of the parcel and is not capable to be directly connected to the 1203 building. The building will



be situated between and behind the two-story mixed use building (1207) and the three-story (1187). Utility services for the buildings are existing on-site and will be extended to the new building. Stormwater will be managed on-site as currently exists and the existing parking is to be realigned and restriped. Total acreage of land disturbance during the process is anticipated to be 1.2 acres.

**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 the Schenectady County, including all required notices pursuant to GML §239-nn.
3. Notification to the local fire department for review and comment on emergency access and the emergency plan.
4. A demolition review is required to ensure no hazardous materials on the proposed site.
5. The Albany County Planning Board recommends that the existing SWPPP should be modified or a new SWPPP should be prepared to address the stormwater since the existing parking is proposed to be realigned and restriped for additional parking.
6. The applicant should be aware that the site plan is very difficult to read and determine where the old and new buildings will be placed.
7. The proposed project is anticipated to add about 11% to the peak hour traffic during both AM and PM hours. NYSDOT and the Town of Colonie are entitled to a traffic report. It the Albany County Planning Board recommendation that the application should be sent for review to the NYSDOT for evaluation of the driveway and signal timing changes to ensure traffic safety.

The Board felt that the Site Plan was very difficult to read. They had concerns regarding the Parking area, increased traffic and the need for a modified or new SWPPP. This resulted in the addition of Modifications #5, 6 & 7 (noted above).

With the above mentioned modifications added, Travon Jackson made a motion to accept the Staff Opinion for Case #07-211203871. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Case #:** **07-211203882**  
**Project Name:** **Town of Colonie Local Law Amendment**

**Applicant:** Town of Colonie  
**Project Location:** Town of Colonie  
**Municipality:** Town of Colonie  
**Parcel Size:** N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Town of Colonie Legislative Board

**Considerations:** Amendment of Chapter 17-4 of the town code of the Town of Colonie to include subsections 17-4(A)(8-10) and 17-4 (C).

**Action Type:** **Amendment of Local Law**

**Juris. Determinant:** N/A  
**Potential Impacts:** N/A

**Staff Notes:** This is an application to amend Chapter 17-4 of the Code of the Town of Colonie, entitled "Conflicts of Interest" shall be amended to include the following provisions to be designated as Section 17-4(8) through Section 17-4(10). This local law is to take effect upon its proper filing with the Office of the Secretary of State.

**Staff Opinion:** Modify local approval to include  
1. Notification of the amendment to local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion for Case #**07-211203882**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** **07-211203883**  
**Project Name:** **Town of Colonie Local Law Amendment - Mold and Chapter 62**

**Applicant:** Town of Colonie  
**Project Location:** Town of Colonie

**Municipality:** Town of Colonie  
**Parcel Size:** N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Town of Colonie Legislative Board

**Considerations:** Amendment of local law to define "Mold" and amend Chapter 62-45 of the town law and property maintenance to provide residents and business owners with guidance as to mold assessment and remediation.

**Action Type:** **Amendment of Local Law**

**Juris. Determinant:** N/A  
**Potential Impacts:** N/A

**Staff Notes:** This is an amendment to Chapter 62 of the code of the Town of Colonie which includes the definition of Mold and amendment of Chapter 62, Section 62-45(V) of Land Use Law that include general requirements, severability and SEQR determination. This local law is to take effect upon its proper filing with the Office of the Secretary of State.

**Staff Opinion:** Modify local approval to include  
1. Notification of the amendment to local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion for Case #07-211203883. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** **10-211203860**  
**Project Name:** **4 Lot Minor Subdivision - Traditional Builders**

**Applicant:** JKM Builders LLC  
**Project Location:** Old State Road and Abbey Road (off of Empire Avenue)  
**Municipality:** Town of Guilderland  
**Parcel Size:** 75.00 acres  
**Zoning:** R40  
**Tax Map Number:** 26.00-3-23.2  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Subdivision of 75+/- acres of land into four (4) parcels. Lot 1 to be 15.06 acres, Lot 2 to be 20.42 acres, Lot 3 to be 24.34 acres and Lot 4 to be 14.91 acres.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** Agricultural District  
**Potential Impacts:** Agricultural District

**Staff Notes:** The applicant proposes to subdivide a vacant 74.7 +/- acres of parcel into four (4) new lots for construction of single family homes. Lot 1 to be 15.06 acres, Lot 2 to be 20.42 acres, Lot 3 to be 24.34 acres and Lot 4 to be 14.91 acres. Proposed Lot 1 and 2 will have frontage and connect to existing municipal water and sanitary sewer along a stub street (Abbey Road) within the Meeting House Village Subdivision. Proposed Lot 3 and 4 will have frontage along Old State Road and will have on-site septic systems and on-site wells. A total of 1.5+/- acres of land disturbance is anticipated during the proposed action.

**Staff Opinion:** Disapprove without prejudice

1. An AG data sheet is required since the property is located within an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.
2. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
3. The location of the proposed on-site well for Lot #4 appears to be within the setbacks of the parcel, hence the application should be evaluated for an area variance before the subdivision review.
4. Extensive wetlands and a water course exist on the proposed parcel for subdivision. A note on the site plan indicates "wetlands shown hereon from a field delineation by Gilbert Vanguilder land surveyor, PLLC dated 2001". This dates the wetlands area delineated 21 years old and many changes could and likely have occurred. A revised correct wetland delineation should have and should be completed to assess current conditions on the parcel.

Bill Anslow, Albany County Civil Engineer, commented that he went out to look at the site and also had concerns about the septic and the well on Lot #3. The Board said that a revised wetland delineation needs to be completed (noted in #4). The Board decided to recommend this to be a Disapprove without prejudice to allow this to be reworked and resubmitted with updated information (noted above).

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Brian Crawford made a motion to change the Staff Recommendation from a Modify to Disapprove without prejudice for Case #10-211203860. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** 10-211203861  
**Project Name:** **3476 Carman Road**

**Applicant:** John Raucci (R&R Brothers Property Management, LLC)  
**Project Location:** 3476 Carman Road, Schenectady  
**Municipality:** Town of Guilderland  
**Parcel Size:** 1.51 acres  
**Zoning:** R15  
**Tax Map Number:** 15.18-3-31  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Area variance to subdivide the property that results in reduced lot width and an accessory structure.

**Action Type:** **Area Variance**

**Juris. Determinant:** State Road  
**Potential Impacts:** 146 Carman Road

**Staff Notes:** The applicant proposed to subdivide the parcel into three lots. Lot #1 to be 28,421 SF, Lot #2 to be 18,752 SF and Lot #3 to be 18752 SF. The property currently contains existing single-family home and an old vegetable stand, which is used for storage. The proposed Lot #1 will be 97 feet wide and contain the existing accessory structure and the applicant is proposing to leave the structure in place. Lot #2 will contain the existing single-family home. Lot #3 will also be 64 feet and vacant. The applicant is proposing to market Lot #1 and #3 for the development of new single family homes. An area variance is required as per town code 280-24 B (1) and 280-24 B (2)(a) since the proposed action does not meet the building line minimum width and the existing accessory structure will not be located in the rear yard when a single family house is proposed. This case (10-210903806) was reviewed by Albany County Planning Board in September 2021 and the determination 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. 2. Lot #1, #2 and #3 will require an area variance to meet lot frontage for a self-created difficulty. In determining whether to grant an

area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant."

**Staff Opinion:**

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.
2. The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the town code.

Gerry Engstrom suggested adding the standard wording about considering the precedent setting nature of allowing significant area variances to the town code (noted above as #2). With that addition, Travon Jackson made a motion to accept the Staff Opinion for Case **#10-211203861**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Case #:** **10-211203865**  
**Project Name:** **Business Consulting Office**

**Applicant:** Addison Cooper Consulting LLC  
**Project Location:** 3637 Carman Road, Schenectady  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.85 acres  
**Zoning:** General Business (GB)  
**Tax Map Number:** 27.11-1-24.2  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit for business consulting office.

**Action Type:** **Special Use Permit**

**Juris. Determinant:** State Road  
**Potential Impacts:** 146 Carman Road

**Staff Notes:** The applicant is requesting for a special use permit to use the space as business consulting office. The applicant is renting out 900 SF of the building to use it as office space. This site was formerly occupied by a religious gift store for the past nine years.

**Staff Opinion:** Modify local approval to include

1. The applicant should provide a detailed description of the proposed action that includes the overall functionality of the space that is proposed to be used as an office.
2. All future referral applications for a special use permit are required to include an official drawing prepared by a licensed or accredited professional.

The Board wanted to add wording about the need to include an official drawing prepared by a licensed or accredited professional (noted above as #2). With that wording added, Brian Crawford made a motion to accept the Staff Opinion for Case #**10-211203865**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** **10-211203870**  
**Project Name:** **Livingston Two-Lot Minor Subdivision**

**Applicant:** Joyce Livingston  
**Project Location:** 6180/6182 Johnston Road  
**Municipality:** Town of Guilderland  
**Parcel Size:** 2.00 acres  
**Zoning:** RO40  
**Tax Map Number:** 52.03-1-21.1  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Two-lot minor subdivision of 2 acres of lands in a residential Overlay district. Lot #1 is to be 0.528 acres with an existing single family dwelling and Lot #2 is to be 1.473 acres with a number of accessory buildings and single-family dwelling.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 203 Johnston Road

**Staff Notes:** The applicant is proposing a 2 lot minor subdivision of 2.0 +/- acres of land located in the Residential Overlay (RO40) District. Lot 1 would measure 0.528 acres in size and includes an existing single-family dwelling. Lot 2 would measure 1.473 acres in size and includes a number of accessory buildings and single-family dwelling. No land disturbance is anticipated during the proposed action. This application is also being

reviewed for an area variance since the subdivided lots do not meet the lot area requirements.

**Staff Opinion:**

Modify local approval to include

1. The application for area variance should be evaluated for potential zoning impacts before it is reviewed for subdivision.
2. A demolition review for the burnt structure on site is required to ensure no hazardous materials on the proposed site.
3. Any change in access or work within the County right-of-way will require a highway work permit from the Albany County Department of Public Works.

Bill Anslow commented that he visited the site and there is a structure that is substantially burnt on the property. The Board determined that wording should be added to address a demolition review and the potential need for a work permit from Albany County Dept. of Public Works for work within the County right-of-way (noted as #2 & 3 above).

With those changes added, Travon Jackson made a motion to accept the Staff Opinion for Case #10-211203870. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Case #:** 10-211203875

**Project Name:** **Storage Yard**

**Applicant:** Bernard F. Radtke

**Project Location:** 4304 Frederick Road

**Municipality:** Town of Guilderland

**Parcel Size:** 55.00 acres

**Zoning:** Rural Agricultural -3 District (RA3)

**Tax Map Number:** 49.00-1-25.2

**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit to allow storage of equipment and roll-off containers.

**Action Type:** **Special Use Permit**

**Juris. Determinant:** Agricultural District

**Potential Impacts:** Agricultural District, NWI Wetlands

**Staff Notes:** The applicant seeks for a special use permit for storing roll-off containers, heavy equipment and trucks. The trucks are anticipated to



deliver materials and operate with the hours of 6am and 6pm. The proposal includes a 20' driveway that leads to the point where trucks deliver equipment. four acres of land is anticipated to be disturbed.

**Staff Opinion:**

Disapprove

1. An AG data sheet should be provided since the property is located within 500' of an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.
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.
3. All future referral applications for special use permit are required to include an official drawing that is to scale and prepared by a licensed or accredited professional.
4. The site is a vacant farmland and a agricultural residential zone. Proposed use is storage of commercial rolloff containers and heavy equipment resulting in a commercial use. The applicant should be required to apply to the Town of New Scotland for a use variance for the proposed use.
5. NWI wetlands exist on the propoerty as well as being in a FEMA floodzone. Hand drawn approximate dimensions on the admitted "not to scale" site plan as submitted are not sufficient to determine where disturbance will be located or impacts to wetlands or floodplains.
6. The proposed use of the property does not match the moral residential and agricultural character of the community and is in fact a commercial/industrial use.
7. This property will be in the immediate viewshed of the Helderberg Escarpment in the John Boyd Thatcher State Park trails and overlook area. This may fall under the requirements of the Resolution No. 384 and act pertaining to the Albany County Planning Board in consideration of critical viewshed of the Helderberg Escarpment.

Gerry Engstrom said that he has numerous concerns about this submittal. Brian Crawford stated he too "has a problem with the not-to-scale sketch. Not knowing how it impacts the Black Creek, where we are, how big it really is and the fact that it's only one acre but what happens if it's more than one acre and we then need a SWPPP. There should be a lot more detail in this proposal before we even consider it".

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Brian Crawford made a motion to make a change from the original Staff Opinion of Modify, to a Disapprove for Case #10-211203875 (noted above). The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** 10-211203881  
**Project Name:** **6199 Ostrander Road**

**Applicant:** Jacob Day  
**Project Location:** 6199 Ostrander Road  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.33 acres  
**Zoning:** Rural Agricultural -3 District (RA3)  
**Tax Map Number:** 50.00-2-1  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Area variance to allow storage building on an undersized lot.

**Action Type:** **Area Variance**

**Juris. Determinant:** Agricultural District  
**Potential Impacts:** Agricultural District

**Staff Notes:** The applicant proposes to install a storage building for personal use on a lot that is undersized. The building is not allowed in the RA3 zoning district as per the town code. The building will have no electricity or septic with the option to connect to town sewer and water at a later date.

**Staff Opinion:** Modify local approval to include

1. The Albany County Planning Board recommends that the Town should request the applicant to pass the overall statutory test before granting the area variance for self-created alleged difficulty/ any demonstration “unnecessary hardship.”
2. An AG data sheet should be provided since the property is located within 500' of an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.
3. The applicant mentions in the narrative “ personal storge structure with no electric or septic with the option to hook to town sewer and water at a later date”. (a)This property is severly undesized for the zoning for any structure in this zone much less one with electric, water and sewer potentially encourage occupancy at a later date. (b) Absolutely no influence should be made to allow the applicant to

petition for water or sewer at a later date without requesting a use or area variance and site plan approval for the Town of Guilderland and a referral to the ACPB.

The Board said an Agricultural Data Statement should have been included with this application because it is within 500' of an Agricultural District. The Board also said that the application states that the building will have no electricity or septic with the option to connect to town sewer and water at a later date. This would need a new application for a use or area variance and site plan approval (noted as #2 & #3 above).

With the above mentioned modifications added, Brian Crawford made a motion to accept the Staff Opinion for Case #10-211203881. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** 13-211203869  
**Project Name:** **Lands of Vista Tech Park**

**Applicant:** Columbia Development Group  
**Project Location:** Off New Scotland Rd (Vista Technology Park)  
**Municipality:** Town of New Scotland  
**Parcel Size:** 128.92 acres  
**Zoning:** Mixed Economic Development District (MEDD)  
**Tax Map Number:** 73.-2-27  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** Subdivision review to divide 128.92 acres parcel into two parcels of 31 acres associated with proposed development and 74 acres to remain vacant.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** Municipal Boundary, Agricultural District  
**Potential Impacts:** Intermunicipal Boundaries of Town of New Scotland and Town of Bethlehem, Agricultural District

**Staff Notes:** Vista Development Group, LLC, a subsidiary of BBL Development Group (the applicant) of Albany, New York proposes to construct the Vista Technological Campus (the project). The project site consists of four parcels of property covering approximately 459 acres. Of these, approximately 330 acres are situated within the Town of Bethlehem and approximately 128 acres within the Town of New Scotland. The applicant seeks to rezone portions of the parcel located in the Town of New

Scotland for uses equivalent to those uses permitted on the parcels within the Town of Bethlehem. Portions of the property not subjected to rezoning request will remain zoned as R-2 and no development is proposed for those areas. Development will occur on approximately 150 acres of the site in the Town of Bethlehem's MEDD zone. The project will include development of approximately 1.4 million SF of building space along with research and technology office/development space. Secondary uses will include a hotel, general office buildings, a bank and a mix of retail uses and restaurants. Most buildings will range in size from 1 to 3 stories in height. The hotel is tentatively proposed to be 65 feet with four (4) stories. Areas undeveloped in the Vista Tech Campus will be set aside for conservation. An extensive network of sidewalks and crosswalks will be designed and constructed throughout the site which will include bicycle lanes, bicycle racks, non-motorized recreational/interpretive trails and a natural trail. Access to the site is proposed via two entrances, one is a limited right-in/right-out access road on the Slingerlands Bypass and the second is a full-access roundabout also on the Slingerlands Bypass. It is anticipated that full build-out of the Project will occur over a period of approximately twelve years. Phase I entails the construction of approximately eight buildings (Approx. 240,000+/- square feet) to be used as restaurants, retail, banking and professional office spaces. Phase II structures will be built in the course of the remaining 12-year build-out period. As new structures are constructed, lots will be subdivided as a necessity for financing and tenant ownership. The project will be served by a new water main that will be connected to the existing 12-inch main at the intersection of New Scotland Avenue and the Future Bypass. The project will lead to disturbance of 2.58 acres as a necessity for construction. The project proposes permanent disturbances to wetlands under the jurisdiction of the ACOE related to the construction of the proposed roundabout, buildings, parking lots, roads and utilities. Sanitary sewer infrastructure is proposed to be installed throughout the Project Site and the project will be served by municipal sewer services provided by the Town of Bethlehem. All vegetation that is proposed to be disturbed or removed is to be revegetated with mitigation measures including SWPPP, combined with proper construction techniques and BMP's, will all work to mitigate potential adverse impacts related to slope disturbances. According to the Wetland Delineation Report prepared by Clough, Harbor & Associated, 19 wetlands and 18 ravines are found within the USACOE jurisdictional area. To compensate for direct wetland impacts on the project site, two methods of mitigation are proposed - one is to establish 3.2 acres of wetland which is to replace the loss of approx. 1.58 acres and second is to introduce a deed

restricted area consisting of upland deciduous forest, emergent wetlands, floodplain forest, and a portion of the Normans Kill.

**Staff Opinion:**

Modify local approval to include

1. Notification of the application should be sent to the Town of Bethlehem, 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.
3. Notification to the local fire department for review and comment on emergency access and the emergency plan.
4. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
5. A maintenance agreement must be developed for all Stormwater Management Practices and implemented by the site owner once the site has been developed.
6. Once the site is developed, the daily operations may require coverage under SPDES Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-17-004).

**Advisory Note:**

1. The applicant name is filled incorrectly as Columbia Development LLC., where the applicant is Vista Development LLC. The proposed action should be marked for both Site Plan Review and Subdivision Review where it is only marked for a Subdivision Review.

Teresa Bakner representing Vista Development commented that the applicant name should be Vista Development not Columbia Development and that this is for a Site Plan Review and Subdivision Review.

Gopika Muddappa, Senior Planner, stated that the application received from the Town of New Scotland listed the applicant as Columbia Development and only checked the box on the referral form for Subdivision Review. Ms. Bakner said she has no idea why it would be marked that way since it is the second piece to the Town of Bethlehem submission discussed earlier. It is the Plug Power project that is located in both municipalities. She also noted that there are not any wetland impacts as a result of the project. All wetlands have been delineated.

The Board acknowledged that an error must have occurred with the Town of New Scotland submission, but they understand that this is the same project as discussed with the Town of Bethlehem submission but for the portion of the project that is located in the

Town of New Scotland. An advisory note will be added addressing this error (noted above).

With the inclusion of the above noted changes, Travon Jackson made a motion to accept the Staff Opinion for Case #13-211203869. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Case #:** 18-211203884  
**Project Name:** **Town of Westerlo Local Law #5 of 2021**

**Applicant:** Town of Westerlo  
**Project Location:** Town of Westerlo  
**Municipality:** Town of Westerlo  
**Parcel Size:** N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Town of Westerlo Legislative Board

**Considerations:** Adoption of local law to opt out of allowing cannabis retail dispensaries and on-site consumption within the Town of Westerlo.

**Action Type:** **Adoption of Local Law**

**Juris. Determinant:** N/A  
**Potential Impacts:** N/A

**Staff Notes:** This is a local law adopted pursuant to the Marijuana Regulation and Taxation Act and specifically Cannabis Law Section 131 opting out of allowing cannabis retail dispensaries and on-site consumption establishments within the Town of Westerlo. This local law is to take effect upon its proper filing with the Office of the Secretary of State.

**Staff Opinion:** Modify local approval to include  
1. Notification of the adoption of local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Travon Jackson made a motion to accept the Staff Opinion for Case #18-211203884. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Case #:** **14-211203880**  
**Project Name:** **Village of Ravenna Local Law Amendment**

**Applicant:** Village of Ravenna  
**Project Location:** Village of Ravenna  
**Municipality:** Village of Ravenna  
**Parcel Size:** N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Village of Ravenna Legislative Board

**Considerations:** Local law amendment to the Village of Ravenna zoning and the zoning map.

**Action Type:** **Amendment of Local Law**

**Juris. Determinant:** N/A  
**Potential Impacts:** N/A

**Staff Notes:** The Village of Ravenna proposes to amend the village zoning ordinance to accord with the Village Comprehensive Plan and provide for the continued protection and promotion of the public health and welfare of the Village of Ravenna. This local law is adopted pursuant to Article 7 of the N.Y Village Law and N.Y Municipal Home Rule Law Section 10 and 20. The proposed zoning amendments would affect current district boundaries and designations by combining two separate districts, creating a new designation for properties devoted to municipal uses, define terms that are currently in the law but not defined, create new procedures and standards for the review of applications pr variances and appeals from determinations of the Code Enforcement Officer, and clarify existing sign regulations.

**Staff Opinion:** Modify local approval to include  
1. Notification of the amendment to local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion for Case #**14-211203880**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

**Case #:** 01-211203873  
**Project Name:** **Project #00424 - 1053 Broadway**

**Applicant:** Druthers Brewing Company  
**Project Location:** 1053 Broadway  
**Municipality:** City of Albany  
**Parcel Size:** 0.51 acres  
**Zoning:** Mixed-Use, Form-Based Warehouse (MU-FW)  
**Tax Map Number:** 65.16-4-1  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Rehearing of Area Variance: 375-402(1)(c)(vii)(G)(4) - to allow for a front deck to extend into the right-of-way or any easement in a Mixed-Use, Form-Based zoning district. Area Variance: 375-402(2)(c)/Table 375-402.1 - to allow for construction of a front

**Action Type:** **Area Variance**

**Juris. Determinant:** State Road  
**Potential Impacts:** 32 N Pearl Street

**Staff Notes:** The Applicant proposes to construct a 13-foot wide, 110-foot long deck and ADA-compliant ramp on the side of the building at 1053 Broadway (Property) where it operates its brewery/restaurant. The deck will be built in the Public Right-of-Way which is prohibited as per Section 375-402(G)(4). In addition to this variance, Druthers is also seeking a permanent easement over the land under the deck from the City. Total land disturbance is expected to be 0.447 acres. This application (01-210603730) was reviewed in June 2021 for an area variance. 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. Advisory: 1. The applicant should consider the relocation of handicap parking space coordinative with the proposed seating area."

**Staff Opinion:** Disapprove

1. The City of Albany should address the public health and safety concerns expressed by Surpass Chemical Company, Inc. regarding the tractor trailer route that is dangerously close to the proposed deck.
2. The proposed ADA compliant ramp is to be located next to Surpass' scale house driveway which potentially exposes customers on the deck to heavy industrial traffic containing hazardous materials from the diesel exhaust.



3. The city should consider the undesirable changes to the character of the neighborhood due to the presence of industrial use in close proximity.
4. In determining whether to grant an area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

Gerry Engstrom commented that this would add occupancy to the building and reduce parking when parking is already a concern at this location.

Travon Jackson made a motion to accept the Staff Opinion of Disapprove for Case #01-211203873. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

**Unfinished Business:** none

**New Business:** As mentioned earlier, submissions to the Albany County Planning Board need to meet the deadlines and submissions must be complete. The Deadline for submission for next month is January 10, 2022 and the next meeting is January 20, 2022. It is unclear whether the meeting will be in person or remote. We need to wait and see if Gov. Hochul extends the ability to meet remotely.

**Adjourn:** Brian Crawford made a motion to adjourn at 5:18pm.

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