

ACPB January 20, 2022 Meeting MINUTES

NOTE: Due to issues related to Covid-19, the January 20, 2022 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; Sameer Modasra, Ex-Officio; and Ransom Moore, Ex-Officio.

Minutes: Lynn Delaney

Call to Order: Gerry Engstrom called the meeting to order at 3:48PM

Gerry Engstrom apologized to meeting attendees for the meeting starting late. He was having connectivity issues that took some time to resolve.

Brian Crawford made a motion to approve the December 16, 2021 meeting minutes. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Travon Jackson made a motion to move the 2 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 #: 13-220103894
Project Name: Glynhafan Farm SUP
Applicant: Casey Danton
Project Location: 344 Bullock Road
Municipality: Town of New Scotland
Parcel Size: 4.60 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 94.-1-31
Referring Agency: Town of New Scotland Planning Board

Considerations: Special use permit to allow a 40'x60' addition to a covered riding arena. Final building size will be 60'x120' riding arena.

Action Type: Special Use Permit

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The applicant proposes an addition onto already existing four (4) sided indoor riding arena. Pre-existing building sits 77' from the road and the addition would be 40' added onto the backside of pre-existing building. The building does not have existing water or septic connections and the applicant assumes the building does not need one since it will be solely used for equines and related activities. After the addition, the building is to be 60'x120'. Total acreage of land use disturbance is 0.05 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 #: **13-220103896**
Project Name: **Lands of Narang**

Applicant: Neelam Narang
Project Location: 56 Graceland Ave
Municipality: Town of New Scotland
Parcel Size: 68.45 acres
Zoning: Residential Hamlet (RH)
Tax Map Number: 106.-1-8.21
Referring Agency: Town of New Scotland Planning Board

Considerations: Two lot subdivision to split 1.58 acres from the existing parcel to allow single family home for family member. New parcel has approval for public water and ACDOH approval for septic design.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The applicant proposes to subdivide 1.58 acres from the existing 68.45 acres with road frontage on Olive Street. The new parcel would also have 15' frontage on Graceland Avenue to accommodate the proposed water service line. No land disturbances are anticipated during the

subdivision. A septic system is to be designed to meet Albany County Department of Health standards.

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 comments or questions on either of these cases. Travon Jackson made a motion to accept the Staff Opinion for case #13-220103894 & 13-220103896. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: **01-220103887**
Project Name: **Lark Street Apartments**

Applicant: Ron Stein
Project Location: 16-20 Morris Street; 353 Lark Street
Municipality: City of Albany
Parcel Size: 0.28 acres
Zoning: R-M (Multi-Unit)
Tax Map Number: 76.31-1-74, 76.31-1-73, 76.31-1-72, 76.31-1-75
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for construction of a four-story, +/-37,260 square foot multi-unit structure with 40 dwelling units. A development plan review waiver request has been submitted to not provide on-site parking, when 32 spaces are required.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 443 Delaware Ave, Historic District

Staff Notes: The Applicant is proposing the construction of 40-unit, 4-story apartment building, with a building footprint of 9,375 SF+/- at 18 Morris Street, Albany, NY 12208. The building will have a total of 40 bedrooms. The total lot area is 0.28 acres +/- and is located on Tax Parcels 76.31-1-72, -73, -74, and -75. The project will be serviced by public water and sewer. The project will include sidewalks and other hardscaping. Stormwater management will be provided in an underground tank. This proposed tank is proposed to capture runoff from the proposed roof

leaders and will reduce runoff rates in the post-development condition to meet the City of Albany Combined Sewer Overlay requirements prior to discharging to the existing combined sewer within Morris Street. The parking requirements for the project were estimated by determining the minimum parking required for the proposed Work force use and the TDM plan proposed, and the apartments will have 8-10 on-street parking spaces and no off-street parking. Based on the Parking Demand Study, it was determined that the proposed Lark Street Apartments will have no demand/need for off-street parking and minimal impact on neighborhood for more than the existing 8-10 on-street parking spots.

Staff Opinion:

Modify local approval to include

1. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
2. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
3. The Albany County Planning Board recommends that the City of Albany deny the waiver request for parking requirements due to the lack of parking in downtown Albany.
4. The Albany County Planning Board recommends that the applicant should meet the minimum requirement of 32 parking spaces which otherwise can potentially set a precedent for future developments.

There was significant discussion regarding case, specifically about the waiver for the parking requirement. The Board asked whether the City of Albany mentioned any concerns about the parking waiver request but Gopika Muddappa, Senior Planner, stated that nothing had be mentioned in the documents submitted from the City. Brian Crawford said that the City should be careful about setting a precedent. Gerry Engstrom stated that this is a tall building with 4 stories vs the current 2 story buildings that surround it. There are a proposed 40 units in this space.

Travon Jackson and Bill Anslow, Albany County Civil Engineer, stated that they are worried about displacing the parking that current residents are now using. Because this is a large space with 4 stories vs the current 2 story buildings that surround it. There are a proposed 40 units in this space.

The Board discussed whether they should disapprove this project due to the parking concerns. Ultimately, they decided to add a comments regarding the parking concerns (noted above as #3 & #4).

Brian Crawford made a motion to accept the Staff Opinion with 2 modifications added for Case #01-220103887. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-220103885
Project Name: **107 Everett Road Subdivision**

Applicant: Justine Spada & David Fuina
Project Location: 107 Everette Road
Municipality: Town of Colonie
Parcel Size: 1.83 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 54.1-3-14
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to subdivide lot with two existing structures into two (2) separate lots in Commercial Office Residential (COR) district.

Action Type: **Area Variance**

Juris. Determinant: County Road
Potential Impacts: CR 155 Everett Road

Staff Notes: The applicant proposes to subdivide existing 1.87+/- acre commercial lot which contains two (2) existing one-story office buildings (6,200 +/- SF and 8,200 +/- SF) and a shared parking lot with its own parking spaces. A reciprocal easement agreement will be filed to document rights for access, parking and utilities. As per SEAF, no land disturbances are expected during the subdivision. The proposed Lot #1 to be 0.84+/- acres with 33 parking spaces and Lot #2 to be 1.03+/- acres with 36 parking spaces. This action leaves the proposed Lot #1 with 24.41 ' of frontage where a minimum of 100' is required as per the Town of Colonie Land Use Law. The property consists of existing water and waste water connections.

Staff Opinion: Modify local approval to include
1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties.

Advisory Note: 1. The Albany County Department of Public Works should be contacted for a highway work permit if the proposed action includes driveway

construction, drainage and public utility connections within the county right of way.

Travon Jackson made a motion to accept the Staff Opinion for Case #07-220103885. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-220103888
Project Name: **753 Loudon Road**

Applicant: Brett Steenburgh
Project Location: 753 Loudon Road
Municipality: Town of Colonie
Parcel Size: 0.60 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 19.18-4-13
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for new construction of fast food restaurant with waste refuse.

Action Type: **Area Variance**

Juris. Determinant: Federal Highway
Potential Impacts: 9 Loudon Road

Staff Notes: The proposed action for new construction of a 2,532 SF fast food restaurant, located in the Commercial Office Residential (COR) zoning district has an accessory waste refuse located 155'+/- from the zone boundary line of the Single Family Residential (SFR) zoning district where 200' is required and it is located inside the 10' side yard setback. There is also a proposed new pylon sign located within 20' front yard setback. All the actions are not compliant with the Town of Colonie Land Use Law. 0.3 acres of land disturbance is anticipated. The parcel consists of existing restaurant which is to be demolished for the new construction. The proposed restaurant will be one-story building with 24 seats, drive thru and park of the existing parking is to be restriped.

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.

Brian Crawford made a motion to accept the Staff Opinion for Case #07-220103888. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-220103889
Project Name: **Plug Power - Warehouse Addition**

Applicant: BBL Construction Services LLC
Project Location: 968 Albany Shaker Road
Municipality: Town of Colonie
Parcel Size: 34.28 acres
Zoning: Commercial Office (CO) District
Tax Map Number: 18.-1-24
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed construction of a 2431 SF warehouse addition for use by existing tenant, Plug Power. No changes to impervious area or existing curb cut.

Action Type: **Site Plan Review**

Juris. Determinant: County Road
Potential Impacts: CR 151 Albany Shaker Road, Agricultural District

Staff Notes: The applicant proposes to construct a 2,431 +/- SF warehouse for the use by Plug Power. The existing building is occupied by Plug Power and is used as a manufacturing facility, with office and warehouse uses associated with that principal use. The addition will occupy space currently paved. There will be no increase in impervious area. The existing building has an area of 118,100 +/- SF. With the proposed addition the total area will be 120,531 +/- SF. The new addition will have a height of 25 +/- feet and will be a one-story building. The site currently has parking for 361 cars and no additional parking is proposed. No impact on traffic is anticipated. The proposed warehouse is to be constructed in a single phase. Total acreage of land disturbance during the construction will be 0.06 acres.

Staff Opinion: Modify local approval to include
1. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.

Travon Jackson made a motion to accept the Staff Opinion for Case #07-220103889. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-220103890
Project Name: **Lexus of Latham & Porsche of Latham**

Applicant: Country Realty Co.
Project Location: 979 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 10.88 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 18.2-1-7
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of two separate automotive dealership brands, Lexus and Porsche. The proposed building is to be a two-story 33,707 SF of Lexus retail and service facility and 25,319 SF of Porsche facility.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 7 Troy Schenectady Road, Agricultural District, Albany International Airport

Staff Notes: The proposed development includes the construction of two separate automotive dealership buildings, for the Lexus and Porsche brands of motor vehicles. It will also include construction of parking garage for the storage of vehicle inventory and employee parking. As a part of this project the Cocca's building will be demolished in its entirety. The Lexus dealership building will house operations for the retail sales and service of Lexus brand motor vehicles, as well as selected pre-owned vehicles of various luxury brands. Both new and pre-owned vehicles will be offered for retail sales and a full range of maintenance and repair services will

be offered. The Lexus facility will be a two-story building approximately 33,707 SF in gross floor area. The maximum building height will be 40'. The facility will feature an enclosed three lane service greeting/ write up space and will also include an automatic car wash with recycling capabilities attached to the northerly side of the building. The car wash will support sales and service operations and will not be available to the general public. The Porsche facility will house retail sales and service operations for the Porsche brand of motor vehicles as well as selected luxury pre-owned vehicles. The building will also be two-story with a maximum height of 30'. The overall gross square footage will be approximately 25,319 SF. This facility will feature a two-lane service greeting/write-up space. The development includes 156 parking spaces on ground level pavement. The parking structure will provide capacity for another 269 vehicles for a total on-site parking capacity of 425 vehicles. The project site is currently served by two curb-cuts. The centermost curb cut, which will be closed off will be replaced by a new curb cut approximately 67'. The project is proposed to be developed in one phase. A total of 7.78 acres of land disturbance is anticipated during the development.

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 demolition review is required to ensure no hazardous materials are present.
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.
4. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
5. 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.

Travon Jackson made a motion to accept the Staff Opinion for Case #07-220103890. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-220103891
Project Name: **Liquor Store @ 215 Troy Schenectady Road**

Applicant: Uday Patel
Project Location: 215 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 0.60 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 31.8-5-18
Referring Agency: Town of Colonie Planning Board

Considerations: Area variance for change of use from convenience store to liquor store.

Action Type: **Area Variance**

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

Staff Notes: The proposed change of use to a liquor store has a 20' setback from the boundary line of an adjacent lot with an existing single family use where 25' is required as the Town of Colonie Land Use Law. The property was previously used as a Stewart's shop convenience store with gas station.

Staff Opinion: Modify local approval to include
1. All necessary license and permits from NYS Liquor Authority for the business is required.
2. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and potential brownfields.

Brian Crawford made a motion to accept the Staff Opinion for Case #07-220103891. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-220103893
Project Name: Klaus Roofing Company
Applicant: Ninamarie Crisafulli
Project Location: 1205 Central Avenue
Municipality: Town of Colonie
Parcel Size: 0.40 acres
Zoning: Neighborhood Commercial Office Residential (NCOR)
Tax Map Number: 53.6-7-35.1
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for office space for administration and open space for owner to meet and discuss projects. The project also includes 1,980 SF 6-bay garage.

Action Type: Area Variance

Juris. Determinant: State Road
Potential Impacts: 5 Central Ave

Staff Notes: The proposed change of use to a construction company located in the Neighborhood Commercial Office Residential (NCOR) has the existing structure located within the required 20' front yard set back on two sides, which is not compliant with the Town of Colonie Land Use Law. The parcel consists of commercial building that is 3,000 SF and the proposed 6-bay garage that is to be 1,980 SF. The office space is to be used as business space to display products and meet with clients. Total acreage of land use disturbance is 0.1 acres.

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 Albany County Planning Board recommends that the Town should request the applicant to pass the overall statutory test before granting the area variance to demonstrate any "unnecessary hardship."

The Board discussed adding a modification that addresses the overall statutory test for unnecessary hardship (noted above as #2).

With that addition, Travon Jackson made a motion to accept the Staff Opinion for Case #07-220103893. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 13-220103895
Project Name: **Lands of Byron**

Applicant: Dan & Lori Byron
Project Location: 916 Clarksville South
Municipality: Town of New Scotland
Parcel Size: 8.68 acres
Zoning: Residential Forestry (RF)
Tax Map Number: 117.-2-19
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review to re-subdivide the parcel to previous acreage of 5.5 acres including improvements. Lot with 3.15 acres to remain vacant.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: CR 312 Clarksville South Road

Staff Notes: The applicant proposes the subdivision of 8.68 acres into two (2) parcels. Parcel A to be 5.53 acres and Parcel B to be 3.15 acres. Parcel A will be developed with house, barn, well and septic system. Parcel B is undeveloped and is currently vacant. The deed cites two parcels of 5.18 acres and 3.5 acres approved by the Town of New Scotland in 1978. Hence, the applicant proposes to re-subdivide with improvements. As per SEAF, total acreage of land disturbance will be 3.15 acres.

Staff Opinion: Modify local approval to include
1. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
2. 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.
3. 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.

Brian Crawford made a motion to accept the Staff Opinion for Case #13-220103895. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 02-220103892
Project Name: **Village of Altamont Local Law**

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

Considerations: Adoption of a local law to abolish the existing Planning Board and Zoning Board of Appeals and to create a new Zoning Board of Appeals for the Village of Altamont.

Action Type: **Adoption of Local Law**

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

Staff Notes: The proposed local law will abolish the existing Village of Altamont Planning Board and the Zoning Board of Appeals and create a new seven (7) member Zoning Board of Appeals. The purpose of enacting this local law is to provide for a more streamlined and efficient procedure for reviewing land use applications in the Village while maintaining the same substantive requirements for subdivision and the use and development of land as set forth in the Village of Altamont Code, Chapter 315 ("Subdivision") and Chapter 355 ("Zoning"). The proposed ZBA that is to be established will exercise the same power and duties of the current ZBA and Planning Board. There would be no Planning Board after the current board is abolished and the new ZBA is formed. The local law is

to take effect on the date of the Village Board's April 2022 Organizational meeting. The member of the new ZBA will be appointed at the time, subject to approval by the Village Board. The appointment of members will be for a term so fixed that one member's term will expire at the end of the year in which such member was appointed, and the remaining member's terms will be fixed so that one member's term expires at the end of each of official year thereafter.

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 #02-220103892. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 14-220103886
Project Name: **126 Main St. - Retail Change of Occupation**

Applicant: Joy lafallo
Project Location: 126 Main Street
Municipality: Village of Ravenna
Parcel Size: 0.08 acres
Zoning: Single & Two-Family Residence (R-2), Planned Commercial (C-1P)
Tax Map Number: 168.10-4-4
Referring Agency: Village of Ravenna Planning Board

Considerations: Site plan review to change the vacant building into a retail store which was previously planned for a café.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 143 Main Street, FEMA Flood zone

Staff Notes: This is an application for a site plan review for change of use of the vacant building located at 126 Main Street. The single-story building was initially proposed for café occupancy but the applicant now proposes it for a retail store as demanded by the tenants. The property has been vacant since more than one year. The dimensions of the existing building is 27'x 27'x51'. The property consists of four(4) off-street parking spaces

in the rear of the building. The proposed action is anticipated to increase traffic and land use due to the retail use. This application was previously reviewed by ACPB in May 2021 for site plan review to change the occupancy from a vacant store into a cafe. The Board decision was,"1. Review by the Albany County Department of Health for food service and other required permits. 2. Albany County Planning Board advises that the ADA will require the applicant to provide a handicap accessible entrance to the proposed café."

Staff Opinion:

Modify local approval to include

1. All future referral applications for site plan review are required to include drawings prepared by licensed or accredited professional.
2. Albany County Planning Board advises the applicant to provide a handicap accessible entrance to the proposed retail store.

Travon Jackson made a motion to accept the Staff Opinion for Case #14-220103886. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Unfinished Business: Gerry Engstrom asked if there has been any information about appointing 2 new board members to replace Dominic and Enzo. Ransom Moore said that the next meeting of the Personnel Committee is scheduled for January 27 and we hope to know more then.

New Business: The next meeting of the ACPB will be held on February 17, 2022 and the deadline for municipalities to submit materials for review is February 7, 2022. The current Executive Order allowing for remote public meetings expires on February 14, 2022 so we are unsure if this meeting will be held in person or via Microsoft Teams. Gerry Engstrom asked Lynn Delaney to book the community room at Cornell Cooperative Extension if it's available in the event we need to hold the next meeting in person. Lynn said she will try to reserve the room for the next several meetings just in case.

Gopika Muddappa, Senior Planner, will be out of the Country from 1/22/22-2/13/22 and will return to the office on Monday, 2/14/22. In her absence, Lynn Delaney, Planning Board Secretary will get submissions uploaded into Dropbox for review.

Adjourn: Brian Crawford made a motion to adjourn at 4:44PM.

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

ACPB January 20, 2022 Meeting MINUTES