

ACPB March 17, 2022 Meeting Minutes

The March 17, 2022 Albany County Planning Board meeting was held at 3:30pm at the offices of the Albany County Dept. of Public Works office located at 449 New Salem Road, Voorheesville NY.

Board Members Present: Gerry Engstrom, Brian Crawford, Travon Jackson and Gary Ginsburg.

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer; James Mearkle, Traffic Engineer; Sameer Modasra, Ex-Officio; and Ransom Moore, Ex-Officio.

Guests: Dan Hershberg, Hershberg and Hershberg

Minutes: Lynn Delaney, Secretary

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

Brian Crawford made a motion to approve the February 28, 2022 meeting minutes. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Brian Crawford made a motion to approve the February 17, 2022 meeting minutes. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Gerry Engstrom stated that he wanted to make a change to the meeting minutes* from December 2021 regarding Case # 10-211203875 – Storage Yard located on Frederick Road in Altamont (**See Attachment A**). This case was reviewed and Disapproved by the ACPB at the December meeting.

Case #: 10-211203875

Project Name: Storage Yard

Corrections:

Regarding Staff Recommendation item #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.

The Board proposed to use the following language moving forward in cases where plans are not prepared by a licensed or accredited professional, are hand drawn, illegible and do not have dimensions indicated or drawn to scale:

"All referral applications for site plan review are required to include drawings prepared by a licensed or accredited professional, drawn to scale, showing proposed

modification(s) and indicating all required setbacks from property lines, wetlands and/or jurisdictional determinants under Section 239 L, M & NN."

Regarding staff recommendation item # 4.

The site is a vacant farmland and an agricultural residential zone. Proposed use is storage of commercial roll off 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.

The board rescinds this item, the proposed use is an allowable use in Rural Agricultural -3 District (RA3) with a special permit with additional restrictions available in the appendix of the code. Additionally, the board apologizes for listing "The Town of New Scotland" as the applicable municipality, this was in error as the subject parcel is in the Town of Guilderland. The town line is very close in this case and it was simply misspoken and transcribed.

Regarding staff recommendation item #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.

The board would like to correct the work "moral" which should have been "rural" referencing the "rural residential and agricultural character of the community".

On behalf of the Board, Gerry Engstrom apologizes to the Town of Guilderland for these errors.

Travon Jackson made a motion to amend the December 2021 meeting minutes to reflect the changes mentioned above. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

*Following the meeting adjournment, it was determined that there was not an error in the meeting minutes from December regarding this case. The errors mentioned above were made in the recommendation that was proposed and voted upon by the Board and the official document that was sent to the Town of Guilderland. The meeting minutes correctly reflected the information the Board reviewed and the decision that the Senior Planner sent to the Town (See Attachment A), therefore the December meeting minutes do not need to be changed.

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

Case #: 01-220303932
Project Name: **1379 Washington Avenue Conversion (The Pine Bush)**

Applicant: 1379 Washington Ave Assoc. LLC, Attention: Jeff Buell
Project Location: 1379 Washington Ave
Municipality: City of Albany
Parcel Size: 102943.00 SF
Zoning: MU-CU (Mixed-Use, Community Urban)
Tax Map Number: 53.00-1-20
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for conversion of a +/- 54,995 square foot hotel to a 100-unit multi-family dwelling.

Action Type: **Site Plan Review**

Juris. Determinant: Interstate Highway
Potential Impacts: I 90 Interstate Highway, FEMA Floodzones

Staff Notes: The applicant is proposing a change of use from an extended stay hotel to an apartment building. The conversion will include 100 dwelling units. The facilities include studio apartments, two-bedroom apartments, gym, and lounge area. The proposed work will connect to the existing water and waste water utility connections.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 04-220303922
Project Name: Albany Baptist Church

Applicant: Albany Baptist Church (Robert Gaza)
Project Location: 361 Krumkill Road
Municipality: Town of Bethlehem
Parcel Size: 2.80 acres
Zoning: Residential A
Tax Map Number: 63.00-3-20.3
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance for internal illumination of existing free standing sign.

Action Type: Area variance

Juris. Determinant: County Road
Potential Impacts: CR 204 Russell Road

Staff Notes: The applicant is requesting an area variance to use the new sign with internal lighting and to use the lighting at night. This case was reviewed by the Albany County Planning Board in June 2021 for an area variance to replace existing sign for church with a freestanding sign 6 1/2' in height and 52SF which exceeds the Town size and height requirements. The ACPB determination was, "Defer to local consideration 1. This board has found that the proposed action will have no significant countywide or intermunicipal impact."

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 04-220303925
Project Name: Port of Albany Marmen-Welcon Wind Tower Manufacturing Facility

Applicant: Albany Port District Commission c/o Richard Hendrick - CEO
Project Location: 3090 River Road, Glenmont - aka - Beacon Island
Municipality: Town of Bethlehem
Parcel Size: 82.62 acres
Zoning: Heavy Industrial
Tax Map Number: 98.0-2-10, 98.1-2-1

Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance 604,000 +/- square foot offshore wind tower manufacturing facility spread out over 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 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.

Action Type: Area variance

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 629,000 +/- square foot offshore wind tower manufacturing facility spread out over 5 separate buildings. The project also includes a 500 linear foot wharf along the Hudson River to ship completed tower sections and a bridge over the Normans Kill connecting the current Normanskill Street to the proposed development site. Tower production will occur within 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. As per the Local Waterfront Revitalization Program Assessment form, a Joint Application Permit is currently under review by NYSDEC and USACE for the proposed wetland impacts, dredging and wharf construction. Coordination is on-going with the NYSDEC regarding the proposed sanitary package treatment plant on-site and air permits. The proposed buildings will be raised above the 100-year flood plan with a CLOMR/LOMR to be submitted to FEMA at the appropriate time. A SWPPP for the site is under review by the MS4 for the proposed erosion control practices and water management facilities. This proposed project requires an area variance under Article V 128-38(A)(1) & Article VI 128-53(A)(1) Article XIII 128-100 and Article VI 128-56(K) for the purpose of industrial development of the property to provide a manufacturing facility of off-shore wind tower sections to be fabricated on site and shipped via the Hudson River to the east coast of the United States. This requires maximum building heights of 100', development within the Normans kill 100-year Floodplain, 8.2% landscaping in the employee parking lot and a "front" building setback to the west of 25'. The proposed building heights are due to the size of the tower sections

to be manufactured at the proposed off-shore wind facility. The sections are to be fabricated and painted within the facility and the building heights are designed to allow the 10 meter diameter tower section to be fabricated. The proximity of the auxiliary sewer treatment building to the Normans Kill is anticipated to be unavoidable because the building will discharge into the Normans Kill and the remainder of the property is to be utilized for tower fabrication/storage. This case(04-211203864) was previously reviewed by the Albany County Planning Board in December 2021 for 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. The ACPB determination was, "Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for storm water 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." with an 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."

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory Note: 1. The Albany County Planning Board recommends that the application should always be sent for an area variance review before the site plan review to assess the zoning compliance for the proposed project. This application was first sent for a site plan review in December 2021.

Case #: 07-220303926
Project Name: Plug Power - Concrete Pad

Applicant: SunDyne Compressor
Project Location: 968 Albany Shaker Road
Municipality: Town of Colonie
Parcel Size: 34.00 acres
Zoning: Commercial Office (CO)
Tax Map Number: 18.-1-24
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of a 24" thick concrete foundation. No change to existing ingress/egress. No change to the building size or use.

Action Type: Site Plan Review

Juris. Determinant: State Road, County Road
Potential Impacts: 7 Troy Schenectady Road, CR 151 Albany Shaker Road, Agricultural District, FEMA Floodzone

Staff Notes: The applicant proposes to use the existing site for general office and manufacturing of fuel cell products. The proposed development includes addition of 587 SF concrete foundation to be used to install a new Sundyne H2 compressor to replace a failed unit at the site. The failed unit is to be removed. The concrete foundation is to be 24" thick. Existing building area is 127,940 SF with no changes to the building area. Existing paving/concrete area is 290,249 SF. Proposal will add 587 SF for new total of 290,836 SF. There is no change to building size, height or additions. There are no changes to number of employees, hours of operation or number of shifts worked by employees. No impact on traffic, water consumption, sewer or solid waste is anticipated. The plan is to excavate for footings, truck debris off site, form footings and pour concrete. Actual pad will be poured on top of footings. Construction will

take less than one week. Less than one acre of land disturbances are anticipated.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 07-220303935
Project Name: Lands of Rockwell

Applicant: Daniel Rockwell
Project Location: 8 & 10 Pierson Ave
Municipality: Town of Colonie
Parcel Size: 0.75 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 31.8-5-12, 31.8-5-11
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision review/lot line adjustment to allow for new residential development at 8 Pierson Ave. Existing home and garage at 10 Pierson Ave.

Action Type: Subdivision Review/Lot Line Adjustment

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

Staff Notes: The applicant proposes to adjust the lot line between 8 and 10 Pierson Avenue to provide for two building lots. The lot on 10 Pierson Ave presently consists of a developed single family residence and garage. Less than one acre of land disturbances are anticipated. Any future developments will connect to existing water and waste water connections. The applicant has received a Use and Area Variance on July 7, 2021 from the Town of Colonie ZBA to use the property as residential in COR zone. After the subdivision/lot line adjustment, the lot on 10 Pierson Ave is to contain 17,035 SF of land area and the lot on 8 Pierson Ave to contain 13,512 SF of land area.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 10-220303937
Project Name: Tractor Supply

Applicant: Elizabeth Morrisette
Project Location: 2327 Western Ave
Municipality: Town of Guilderland
Parcel Size: 3.50 acres
Zoning: Local Business/ Agricultural
Tax Map Number: 39.00-4-9.1
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for new customer online pick-up drive thru in current display area.

Action Type: Special Use Permit

Juris. Determinant: State Road
Potential Impacts: 20 Western Ave

Staff Notes: Tractor Supply Company is proposing to add garden center structure in fenced outdoor display area. Garden Center is to contain seasonal plant life and associated materials as well as a singular location for online order pick-ups to be utilized by the customers through new drive aisle access in the fenced yard. This drive aisle access will be kept in the same location as the previous drive aisle but it will show two lanes indicating the direction and use. Signs within the fenced yard will be installed to assist with flow of traffic. No land disturbances are anticipated during the proposed action.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Travon Jackson made a motion to accept the Staff Opinion for Case # 01-220303932, 04-220303922, 04-22033925, 07-220203926, 07-220303935, & 10-220303937. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-220303929
Project Name: **Site Improvements - 20 Center Street**

Applicant: Bonacquisti Holdings, LLC; Attention: Arico Associates
Project Location: 15 Champlain Street, Albany NY 12202 (20 Center St)
Municipality: City of Albany
Parcel Size: 17195.00 SF
Zoning: I-1 (Light Industrial)
Tax Map Number: 66.37-1-12.1
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for construction of a +/- 9,000 square foot structure for storage and wholesale distribution or a similarly permitted use.

Action Type: **Site Plan Review**

Juris. Determinant: Interstate Highway
Potential Impacts: I 90 Interstate Highway, FEMA Floodzones

Staff Notes: The proposed development will consist of the construction of a 9000 SF warehouse and loading dock. Also, the work will include the construction of 6 parking spaces on-site to accommodate the new warehouse and office. As indicated on the Development Plan Application, the proposed work will include demolition of the existing structure and construction of a new warehouse.

Staff Opinion: Modify local approval to include
1. Notification to the local fire department for review and comment on emergency access and the emergency plan.

Brian Crawford made a motion to accept the Staff Opinion for Case #01-220303929. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 01-220303930
Project Name: **242 Spruce Street LLC**

Applicant: 242 Spruce Street LLC
Project Location: 242 Spruce Street
Municipality: City of Albany
Parcel Size: 22286.00 SF
Zoning: MU-CU (Mixed-Use, Community Urban)
Tax Map Number: 65.72-4-24
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for rehabilitation and addition to an existing structure to accommodate 37 dwelling units and +/- 8,097 square feet of general retail or a similarly permitted use.

Action Type: **Site Plan Review**

Juris. Determinant: State Road, Federal Highway
Potential Impacts: Route 5 Central Ave, 9W Lark Street, Historic District

Staff Notes: The applicant is proposing to redevelop the existing property for mixed use. The redevelopment will include vertical extension and convert existing building to mixed use of commercial and residential use building. Total of 37 dwelling units are proposed along with 8257 SF of retail, gym & cafe lounge and 4070 SF of parking garage. The existing building is three-stories and the applicant is proposing four-stories with one penthouse. No land disturbances are anticipated during the redevelopment. The proposed project will require new water and sewer services and termination of the existing water and sewer services. The proposed work includes the excavation of City street/sidewalk.

Staff Opinion: Modify local approval to include
1. Notification to the local fire department for review and comment on emergency access and the emergency plan.
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 #01-220303930. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 01-220303931
Project Name: **Historic Redevelopment of The Warehouse at 19 Erie BOULEVARD**

Applicant: 21 Erie Assoc., LLC
Project Location: 19-21 Erie Blvd., Albany, NY
Municipality: City of Albany
Parcel Size: 394595.00 SF
Zoning: (MU-FW) Mixed-Use, Form-Based Warehouse District
Tax Map Number: 65.16-5-4.1, 65.16-5-4.2,
Referring Agency: City of Albany Planning Board

Considerations: Amendment to site plan approval received on December 7, 2021 for historic redevelopment project. 225,000 sq.ft. warehouse to be redeveloped into more than 275 market-rate apartment & more than 40,000 sq.ft. of commercial space. The renovated building will include amenities such as a gym, game-room, and business center. The applicant is requesting the site plan approval be revised to include 12 more apartments, and slightly less commercial space. No changes to the approved site plan are proposed.

Action Type: **Site Plan Review**

Juris. Determinant: Interstate Highway
Potential Impacts: I 787 Interstate Highway, FEMA Floodzone

Staff Notes: Amendment to site plan approval received on December 7, 2021 for the historic redevelopment project located at 19-21 Erie Blvd. The 243,000 square-foot warehouse will be redeveloped into more than 275 market-rate apartments and more than 40,000 square feet of commercial space. The renovated building will include indoor amenities such as a gym, game room, and business center. The applicant is requesting the site plan approval be revised to include 12 more apartments and slightly less commercial space. No changes to the approved site plan are proposed. The original plan was conversion of an existing +/-243,000 square foot warehouse to 261 apartments and +/-9,195 square feet indoor recreational uses, and an expansion of an existing surface parking lot by +/-218 spaces. Currently, the applicant has requested a waiver to provide landscaping with vegetative cover, shrubs and trees on 5% of the area between the front lot line and primary building, when 20% is required by Section 375-406(4)(e)(ii) of the USDO. As per the Major Development Plan Review Waiver document, the waiver difficulty is self-created. The Albany County Planning Board has reviewed this case in November 2021 and the determination was, "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 Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for storm water Discharges (GP-0-20-003, 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. The property is located in the flood zone. Approval of the site plan should be subject to requirements for building in the floodplain. The city should ensure that the floodplain management zone requirements are met for new construction.
5. A demolition review is required to ensure no hazardous materials on the proposed site.
6. The applicant should be aware of the requirements of the Form-Based code and provide details on all proposed projects to comply with existing City of Albany Form-Based code." with an advisory note,
 - "1. As per Short Environmental Assessment Form, Spill #2105652 is open. Since the project site is located in close proximity to the Hudson River, the applicant/ the City should ensure the protection of underground water resources(aquifer) located on this parcel.
 2. The number of apartments does not match with that mentioned in the master plan application and on Short Environmental Assessment Form."

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 Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for storm water Discharges (GP-0-20-001, January 29, 2020) 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. The property is located in the flood zone. Approval of the site plan should be subject to requirements for building in the floodplain. The city

should ensure that the floodplain management zone requirements are met for new construction.

5. A demolition review is required to ensure no hazardous materials on the proposed site.

6. The applicant should be aware of the requirements of the Form-Based code and provide details on all proposed projects to comply with existing City of Albany Form-Based code.

Advisory Note:

1. The Albany County Planning Board advises the City of Albany to request the developer to amend the vegetation plan to consider more and improved vegetation to 10% for the overall project location.

Dan Hershberg inquired as to why our recommendations always site the SWPPP zoning code from 2015. There was an update in January 2020 and that is the one that should be sited. Gerry Engstrom stated that the updated code will be referred to going forward.

Gerry Engstrom said that it appears that the architectural drawings will change but the overall site plan will not change. Travon Jackson asked about the waiver for the vegetative cover. The Board members discussed adding an Advisory Note (noted above) to address this concern.

With the addition of the advisory note, Travon Jackson made a motion to accept the Staff Opinion for Case #01-220303931. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

At this point in the meeting, William Anslow, Albany County Civil Engineer, left the meeting and stated that James Mearkle, Traffic Engineer, will be filling in for him for the remainder of the meeting.

Case #:	<u>01-220303933</u>
Project Name:	Lofts at Pine Hills
Applicant:	Loft at Pine Hills LLC; Attention: Dan Hershberg
Project Location:	237 Western Ave. (177,179, 181, 183, 185, and 187 Quail St. , and 233, and 237 Western Ave. to be consolidated).
Municipality:	City of Albany
Parcel Size:	65340.00 SF
Zoning:	MU-FM (Mixed-Use, Form-Based Midtown)
Tax Map Number:	65.61-5-42
Referring Agency:	City of Albany Planning Board

Considerations: Site plan review and special use permit construction two mixed-use buildings dwellings having : a +/- 62,925 square foot building with 52 dwelling units and +/- 3,820 square feet of retail space, and a +/- 42,000 square foot building with 31 dwelling units +/- 2,370 square feet of retail space. Nine existing structures at the site will be demolished.

Action Type: Site Plan Review, Special Use Permit

Juris. Determinant: State Property

Potential Impacts:

Staff Notes: The applicant is proposing to consolidate 177, 179, 181, 183, 185, and 187 Quail Street, 233 and 237 Western Avenue, and rear 694 State Street to construct two four-story mixed use buildings consisting of a total of 83 residential units for multi-family housing, and approximately 5,899 SF ± of commercial use. The site will include 69 total parking spaces(including 4 ADA handicapped parking spaces), lighting, landscaping, and a stormwater management system. The proposed work include building demolition, excavation, installation of foundations & superstructure, site work and completion of inside of buildings will take approximately 18 months. Two new water and sewer services/connections are to be proposed and the existing nine water and sewer services are to be terminated. A total of 1.62 acres of land will be disturbed during the proposed action.

Staff Opinion: Modify local approval to include

1. Demolition review is required to ensure no hazardous materials are present on the site.
2. Notification to the local fire department for review and comment on emergency access and the emergency plan.
3. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
4. The Albany County Planning Board recommends that a SWPPP must be prepared and implemented as per the USDO of City of Albany for construction activities that disturb more than one acre of land.

Dan Hershberg of Hershberg and Hershberg spoke about the project. He stated that the original Staff Recommendation regarding a SWPPP under 20-001 is incorrect. It falls under the USDO of City of Albany (change to wording is noted above as #4). Gary Ginsburg clarified that the correct # of parking spaces being proposed is 63.

With no further questions or clarifications, Brian Crawford made a motion to accept the Staff Opinion for Case #01-220303933. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 01-220303934
Project Name: **Modification to the Use-Specific Standards for Sidewalk and Outdoor Cafes**

Applicant: City of Albany Common Council
Project Location: City of Albany
Municipality: City of Albany
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of zoning ordinance to include an ordinance amending Chapter 375 (Unified Sustainable Development Ordinance) of the Code of City of Albany in relation to the regulation of sidewalk and outdoor cafes.

Action Type: **Amendment of Zoning Ordinance**

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

Staff Notes: Amendment of zoning ordinance to include modification to the Use-Specific Standards for sidewalk and outdoor cafes to address changes created by expiration of City of Albany Common Council Ordinance No. 28.92.21, City of Albany Common Council Ordinance No. 20.71.21, City of Albany Emergency Order 315-5 and New York State Executive Order 202. It also included response to pre-COVID issues relating to the permanency of associated cafe fixtures and allow for outdoor cafes to be located on an adjoining property owner's lot, so long as the uses of the principal and adjoining lots are compatible.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

The original Staff Opinion was to make a modification, however the County Attorney advised that this is a City of Albany matter and therefore should have a recommendation

of Defer to Local Consideration. The Board did not have any questions regarding this case or recommendation. Gary Ginsburg made a motion to accept the decision of Defer to Local Consideration for Case #01-220303934. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 17-220303923
Project Name: **LukOil Gas Station**

Applicant: Jason Singer (Nolan Engineering)
Project Location: 1802 Second Ave
Municipality: City of Watervliet
Parcel Size: 0.21 acres
Zoning: Business (B)
Tax Map Number: 32.59-4-18.2
Referring Agency: City of Watervliet Planning Boarding

Considerations: Site plan review to remove existing building gas pumps (4), pump islands and canopy. A new 1500 SF building with two (2) pump islands, smaller canopy, defined parking spaces and landscape are proposed.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 32 Second Ave, FEMA Floodzones

Staff Notes: This is a 0.21 acre site currently used as a gas station with small convenience store. The existing building is a 1-story, 273 SF concrete structure. There are (4) gas pump islands with (8) gas pumps and canopy above, which also covers the store. The current parking situation is not well defined. There are (2) ingress/egress curbs from Route 32/Second Ave. This project proposes to remove the existing building, canopy and gas pumps. Ingress/Egress to the site is to remain as is. A reduction to (2) gas pump islands with (4) gas pumps is proposed, with a smaller canopy above. The new convenience store is proposed to be 1,500 SF, a 1-story, wood-framed, 30' x 50' structure. Parking will be defined with striping on either side of the building. (4) spaces will be provided, including (1) handicapped accessible space with adjacent aisle. Approximately 800 SF of landscaping is proposed at the parking areas and behind the building. Less than one acre of land disturbance is anticipated during the proposed action.

Staff Opinion:

Modify local approval to include

1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations.
2. Review by the Albany County Department of Health for food service and other required permits.

Jim Mearkle, Albany County Traffic Engineer mentioned that the channelization is outdated and asked if the Board wants to address that. It falls under the City DOT not the State.

Brian Crawford made a motion to accept the Staff Opinion for Case #17-220303923. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 04-220303927
Project Name: Vista Development Group LLC/Ophthalmology Office

Applicant: Vista Development Group LLC
Project Location: 15 Vista Blvd, Slingerlands
Municipality: Town of Bethlehem
Parcel Size: 2.33 acres
Zoning: Mixed Economic Development District (MED)
Tax Map Number: 74.00-1-29.18
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan amendment for the construction of 9000SF one-story medical office building on existing pad site with parking and infrastructure which is to be owned by two physicians.

Action Type: Site Plan Amendment

Juris. Determinant: State Road
Potential Impacts: 85 New Scotland

Staff Notes: Vista Development Group LLC is proposing to sell 15 Vista an existing 2.33 acre parcel to Dr. Pokabla and Dr. Wladis. The physicians would build a one-story 9000 SF medical office building with 28 employees. The new medical office building will be built by BBL Construction Services LLC. 15 Vista Boulevard is a previously approved pad site that was approved for a 15,000 SF building. The requested approval is for

one-story 9000 SF medical office building on an existing pad site previously approved for a 15,000 SF building where parking and utilities have already been placed as part of the original site built out. The lot will consist of 76 parking spaces. Utilities are existing and available to the site which includes communications, electricity, natural gas, water and sewer. Three existing light poles are located in the existing parking lot. Two more site light poles and exterior building fixtures will be added at the front of the building. More landscaping is to be added to the parking lots. The project tributary area will result in a net reduction of impervious area of 5514 SF and therefore the existing storm water pond is expected to accommodate the storm water for the proposed 9000 SF facility. Less than one acre of land disturbances are anticipated.

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.

Gary Ginsburg made a motion to accept the Staff Opinion for Case #04-220303927. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-220303921

Project Name: Lands of Kim

Applicant: Sang Kim

Project Location: 609 Boght Road

Municipality: Town of Colonie

Parcel Size: 1.00 acres

Zoning: Neighborhood Commercial Office Residential (NCOR)

Tax Map Number: 9.2-1-17

Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision of the parcel into two (2) lots with developments of a two-family residence on each lot.

Action Type: Subdivision Review

Juris. Determinant: Federal Highway

Potential Impacts: 9 Loudon Road, NWI Wetlands

Staff Notes:

The applicant proposes a two (2) lot minor subdivision and development of a two (2)-Family residential structure on each proposed lot at 609 Boght Road. The two (2)-story residential structure has a foundation area of ±2,400 SF along with utility connections and driveway access to Boght Road. The scope of work for the proposed project involves site grading, sewer and water utility connections, parking, new driveway access to support the construction of the proposed structure. The project site is located within an archaeological sensitive area according to New York State Office of Parks, Recreation and Historical Preservation (NYSOPRHP) database. The site is served with pole-mounted electric, municipal water and sewer. The parcel is bordered by a single-family residential (SFR) zone to the north. Surrounding parcels are comprised of commercial and residential uses. The proposed subdivide lots are to be 609A Boght Road with 0.445 acres and 609B Boght Road 0.552 acres. The proposed 2-Lot subdivision required an area variance from the Town of Colonie Zoning Board of Appeals for relief to required lot width; 60 ft. is required and ±30 ft is provided for each proposed lot. The applicant was granted the special use permits and the area variance for a reduction in lot frontage to accommodate the subdivision from the Town of Colonie Zoning Board of Appeals on October 20, 2021. A total of 0.85 acres of land disturbance is anticipated during the subdivision.

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 Albany County Planning Board recommends that a shared access agreement to have one wider driveway (including a maintenance agreement) should be referenced in the deeds for both properties.

Jim Mearkle explains to the Board his reasoning for the wording of modification #2. Brian Crawford made a motion to accept the Staff Opinion for Case #07-220303921. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #:	<u>07-220303928</u>
Project Name:	Popeye's Redevelopment
Applicant:	Liberty Restaurants Development
Project Location:	753 Loudon Road (Boston Market)
Municipality:	Town of Colonie
Parcel Size:	0.61 acres
Zoning:	Commercial Office Residential (COR)

Tax Map Number: 19.18-4-13
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to demolish existing 4436 SF restaurant and construct a new one-story 2532 SF Popeye's with double drive-thru. No changes proposed to existing curb cut.

Action Type: **Site Plan Review**

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

Staff Notes: The applicant proposes to demolish the existing restaurant and construct a new 2532 SF Popeye's fast food restaurant. The proposed restaurant will have a double drive through. The limits of the parking area on the parcel will remain the same as the existing facility. Overall the parcel will function the same as the Boston Market design with the exception of an additional drive through kiosk lane. The storm water concept will not be altered with the proposed development. Parking and traffic patterns will remain the same and there are no proposed alterations to the existing curb cut. Twenty-one parking spaces with one way traffic will be restriped around the building. The existing water service will be modified accordingly for use with the new restaurant. A new pylon sign will be constructed near the Loudon Road in the existing landscaped islands. The existing sign will be removed. Less than one acre of land disturbances are anticipated.

Staff Opinion: Modify local approval to include

1. Demolition review is required to ensure no hazardous materials are present on the site.
2. Review by the Albany County Department of Health for food service and other required permits.
3. Notification to the local fire department for review and comment on emergency access and the emergency plan.

Gary Ginsburg made a motion to accept the Staff Opinion for Case #07-220303928. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-220303936
Project Name: 4 Story Office Building @ 1201 Troy Schenectady Road

Applicant: Chris Bette
Project Location: 1201 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 16.80 area
Zoning: Mixed Use Commercial office Residential
Tax Map Number: 8.3-1-23
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for demolition of existing one-story former medical office building to construct a new four-story Regional Headquarters building.

Action Type: Area variance

Juris. Determinant: State Road
Potential Impacts: 7 Troy Schenectady Road, Agricultural District, Intermunicipal Boundaries of Town of Colonie and Schenectady County

Staff Notes: The proposal for a 4-story building office addition, located in the Commercial Office Residential (COR) zoning district adds 30,778 SF of building footprint to existing building footprint of 26,744 SF creating a total building footprint of 57,552 SF where a maximum of 30,000 SF is allowed. Also, the proposed relocated dumpster enclosure is located in the front yard and has a setback of zero where 20' is required as per the Town Code. This case (07-211203871) was reviewed by Albany County Planning Board in December 2021 for 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. The ACPB determination was, " 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-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
2. Notification of the application should be sent to Schenectady County, including all required notices pursuant to GML §239-nn.

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.

Staff Opinion:

Modify local approval to include

1. Demolition review is required to ensure no hazardous materials are present on the site.
2. Notification to the local fire department for review and comment on emergency access and the emergency plan.
3. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for storm water Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
4. As previously recommended, the applicant should be required to include a traffic study and submit it to the Town of Colonie Planning Board to assess the impacts of the proposed project since it is anticipated to increase traffic by 11% during peak hours.

Advisory Note:

1. The Albany County Planning Board recommends that the application should always be sent for an area variance review before the site plan review to assess the zoning compliance for the proposed project. This application was first sent for a site plan review in December 2021.

Jim Mearkle asked if we received a traffic study with this submission. Gopika Muddappa stated that we did not. The Board determined that a traffic study should be required (noted above as Modification #4). With that addition, Travon Jackson made a

motion to accept the Staff Opinion for Case #07-220303936. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 10-220303939
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: Single Family Residential (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. This application (10-211203860) was reviewed by the Albany County Planning Board in December 2021 and the determination was, "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."

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.

Gerry Engstrom commented that we saw this case before and disapproved it without prejudice. They have made changes and resubmitted. Gerry asked why we are not getting a variance for this and Gopika said that the Town does not require the applicant to have an area variance. The Board discussed the distance between the well and the septic. Brian Crawford commented that the wetland delineation was not updated. Ransom Moore asked if all 4 lots are proposed to be built upon and Gerry replied that they are. The two rear lots are tied into water and sewer, but the front two will have a well and septic.

Brian Crawford made a motion to accept the Staff Opinion for Case #10-220303939. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 11-220303924

Project Name: **Knox II Solar**

Applicant: RIC Development

Project Location: 1953 Thompsons Lake Road, E. Berne

Municipality: Town of Knox

Parcel Size: 66.60 acres

Zoning: Agricultural A

Tax Map Number: 58.-1-5

Referring Agency: Town of Knox Planning Board

Considerations: Site plan review for installation of 5000 KW AC ground-mounted solar photovoltaic farm.

Action Type: **Site Plan Review**

Juris. Determinant: Agricultural District, State Road
Potential Impacts: Agricultural District, 156 Berne Altamont Road, NWI Wetlands

Staff Notes: Knox II PV, LLC is proposing the development of a new solar facility – Solar Photovoltaic generation plant. The project, as conceptually designed, will have a nameplate capacity of 5,000 kW AC at the Point of Common Coupling. The proposed project is a standalone ground-mounted system, mounted on a fixed-tilt steel structure. The system will consist of approximately 11,908 solar PV modules and 23 Sungrow SG250HX-US inverters which will be connected to two separate transformers. The total planned DC capacity of the plant is 6,490 kW. It is planned that the project will include a driveway off Thompsons Lake Road and an access road leading to the center of the solar array. A total of 36.37 acres of land disturbances are anticipated and the project is proposed to be constructed in four months with a total of 11,908 structures. Temporary runoff during the construction is to be discharged on-site and controlled by stormwater and sediment/erosion control management policies. Sheet flow from solar panels will infiltrate ground surface as currently. The IPaC report and the NYSDEC ERM lists potential presence of northern long-eared bat (NLEB) (federally and NYS threatened). The site is within the “Mohawk Valley Heritage Corridor,” a State-designated heritage area. The site was submitted for review to SHPO through the Cultural Resource Information System (CRIS), and SHPO has issued a letter of no impact to archeological or historic resources. The project includes a decommissioning plan as required by the Town of Knox Zoning Ordinance, Article V, Section 50 – Supplementary Regulations and Non-Conforming Uses, Knox II PV, LLC. A Visual Impact Assessment has concluded the Project is not within the viewshed of Thatcher State Park. The project was reviewed by the State office of Parks, Recreation, and Historic Preservation, with no concerns expressed.

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 storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for storm water Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.

Advisory Note:

1. The Albany County Planning Board advises the town and applicant/developer to consider use of newer style fencing to allow

wildlife in the vicinity of the Margaret Burke Wildlife Management Area, to proceed on their path uninterrupted and without trapping them in tightly woven chain link fencing. This also has the opportunity to reduce wildlife accidents on State Route 156, allowing animals to continue on their path rather than turning back and potentially being hit by auto traffic travelling at 55 MPH.

Gerry Engstrom stated that this is a project we saw proposed before, but it has relocated down the road to an open field that has now been cleared. Gerry and Brian commented that this submission package is excellent.

Gerry read a comment that the Town of Knox received from Mr. Eli Fanning:

The property at 1953 Thompsons Lake Road shares a border with the Margaret Burke Wildlife Management Area. The proposed project is literally right next door. The solar array proposal stands in direct opposition to the mission of the wildlife area. The state DEC says the 245-acre area is dedicated managing wildlife, habitat, and related recreation such as hunting and hiking. The proposed solar farm will place fenced-in solar panels over 35 acres of a 66-acre parcel. It would be a major disruption to wildlife and related recreation and reduce the value of the wild area.

Gerry stated that he has been participating in a training series by the American Planning Association regarding the review, permitting and siting of solar power generating facilities. In one of the webinar presentations, a discussion was presented pertaining to the fencing of the facilities and its impacts on wildlife and its potential to disrupt travel patterns for wildlife.

The presenters, a combination of planners, engineers and representatives of the solar industry, discussed the use of new fencing with larger “squares” that allow wildlife to pass through, allow deer to jump but keep people away from the sensitive equipment contained within.

Gerry then stated that he proposes adding an advisory that the town and applicant/developer should consider the use of the newer style fencing to allow wildlife in the vicinity of the Margaret Burke Wildlife Management Area to proceed on their path uninterrupted and without trapping them in tightly woven chain link fencing. This also has the opportunity to reduce wildlife accidents on State Route 156, allowing animals to continue on their path rather than turning back and potentially being hit by auto traffic travelling at 55 MPH.

The Board agreed to add wording about the fencing as an advisory note (noted above as Advisory Note #1). With that additional wording, Travon Jackson made a motion to accept the Staff Opinion for Case #11-220303924. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 02-220303938
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: A local law to abolish the existing Planning Board and Zoning Board of Appeals to create a new Zoning Board of Appeals for the Village of Altamont that consist of seven members with two alternates.

Action Type: Adoption of Local Law

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

Staff Notes: The proposed local law would abolish the existing Village of Altamont Planning Board and Zoning Board of Appeals and create a new seven member ZBA with two alternative members that would exercise the same powers and duties as the current ZBA and Planning Board. The purpose in enacting this local law is to provide a more streamlined and efficient procedure for reviewing land use applications in the Village while maintaining the same substantive requirements for subdivision and land use development as set forth in the current Village of Altamont Code Chapter 315 ("Subdivision") and Chapter 355 ("Zoning"). The law would take effect on the date of the Villages' April 2022 Organization Meeting. Members of the new ZBA will be appointed at that time subject to approval by the Village Board. This application (02-220203905) was reviewed by the Albany County Planning Board in February 2022 for adoption of local law to abolish the existing Village of Altamont Planning Board and create a new Zoning Board of Appeals that would exercise the same powers and duties as the current Zoning Board of Appeals and Planning Board. The local law has been revised since it was first referred to change the new ZBA to a five member board with two alternates. The ACPB determination was, "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."

Staff Opinion: Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

The original Staff Opinion was to make a modification, however the County Attorney advised that this should be Village matter and therefore should have a recommendation of Defer to Local Consideration. The Board did not have any questions regarding this case or recommendation. Brian Crawford made a motion to accept the decision of Defer to Local Consideration for Case # 02-220303938. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Unfinished Business: none

New Business: The Board will now have two new Planning Board members. Gary Ginsburg (who was in attendance today) and Beth Lacey. The Board welcomes them and is looking forward to working together.

Brian Crawford will not be in attendance at the April 21, 2022 meeting.

The next Albany County Planning Board meeting will be held on April 21, 2022. Unless we hear otherwise, the meeting will be held in person at DPW, however we do have a room reserved at Cornell Co-op if needed.

Adjourn: Travon Jackson made a motion to adjourn at 4:46pm.

ACPB MARCH 17, 2022 MEETING MINUTES

ATTACHMENT A

Staff review and recommendation presented to the Board on 12/16/21:

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 property 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.