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ACPB Meeting Minutes – May 19, 2022

NOTE: Due to issues related to Covid-19, the May 19, 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: Gerry Engstrom, Beth Lacey, Gary Ginsburg, Brian Crawford and Travon Jackson (joined the meeting at 3:54).

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer; 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.

Gary Ginsburg made a motion to approve the March 17, 2022 ACPB Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom. Travon Jackson had not arrived at this meeting when the vote took place and Beth Lacey did not attend the March 17 meeting, so neither of them voted on this motion.

Gary Ginsburg made a motion to approve the April 21, 2022 Meeting Minutes. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom. Travon Jackson had not arrived at this meeting when the vote took place and Brian Crawford did not attend April 21 meeting, so neither of them voted on this motion.

Beth Lacey made a motion to move the cases with a Staff Opinion of Defer to Local Consideration to the front of the agenda and to vote on them as a group. The motion was seconded by Gary Ginsburg and was also approved by Brian Crawford and Gerry Engstrom. Travon Jackson was not in attendance at the time of this vote.

Case #: 04-220503984

Project Name: CS Property Improvement - 2 Lot Subdivision

Applicant: CS Property Improvement, LLC

Project Location: 28 Snowden Ave, Delmar

Municipality: Town of Bethlehem

Parcel Size: 0.31 acres

Zoning: Core Residential

Tax Map Number: 86.10-1-28

Referring Agency: Town of Bethlehem Planning Board

Considerations: Two lot subdivision on an existing lot that contains two single family structures. The developed parcel is a pre-existing non-conforming use. Area variances will be required for setbacks.

Action Type: Subdivision Review

Juris. Determinant: County Property

Potential Impacts: Albany County Rail Trail

Staff Notes: The applicant is proposing a two (2) lot subdivision on an existing lot that contains two (2) principal structures with no proposed improvements. Each structure is served by separate municipal water and sewer service along with other private utilities such as electric, natural gas and telecom. Area variances are required to create the proposed lots; relief to the schedule of area, yard and bulk requirements are existing conditions. The use of the land and structures are pre-existing and non-conforming, and may not be expanded or enlarged as per Section 128-55 of the Zoning Law of the Town of Bethlehem. The proposed action requires the granting of a minor subdivision approval subsequent to the Town of Bethlehem Zoning Board of Appeals granting several area variances. No land disturbances are expected during the subdivision.

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 application should be reviewed for an area variance before the subdivision review to assess the zoning compliance of the proposed action.

Case #: 07-220503979

Project Name: Lands of Khan

Applicant: Jaafir Khan

Project Location: 2067 Central Avenue

Municipality: Town of Colonie

Parcel Size: 0.86 acres

Zoning: Commercial Office Residential (COR)

Tax Map Number: 17.13-1-18

Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision review/lot line adjustment to satisfy settlement agreement.

Action Type: Subdivision Review/Lot Line Adjustment

Juris. Determinant: State Road

Potential Impacts: 5 Central Ave

Staff Notes: The applicant is proposing to subdivide the parcel into a total of two (2) lots and convey the approximately 0.159+/- acres to 617 Maple Avenue LLC, the adjoining property owner of 20 Atwood Avenue. The parcel to be conveyed will remain a parking lot to service the tenants, occupants and customers of the building existing at 20 Atwood Avenue. No changes are proposed to the land to be conveyed to 617 Maple Avenue LLC other than possible striping of the parking lot as necessary. The proposed minor subdivision is a lot line adjustment of an existing parking lot between adjacent property owners. The project affects no services nor is the use of the property affected by the minor subdivision action. No land disturbances are expected 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.

Case #: 07-220503982

Project Name: Proposed Accessory Structure

Applicant: David Krimmer

Project Location: 2116 Central Ave

Municipality: Town of Colonie

Parcel Size: 17.85 acres

Zoning: Commercial Office Residential (COR)

Tax Map Number: 16.4-5-39

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Use variance for the proposed accessory structure (rock wall) in a Commercial Office Residential (COR) zoning district where the use is not permitted.

Action Type: Use Variance

Juris. Determinant: State Road

Potential Impacts: 5 Central Ave

Staff Notes: The proposal for accessory structure, rock display pad for vehicles featuring Chrysler, Jeep, Dodge and Ram, in the front yard of a parcel, located in the Commercial Office Residential (COR) zoning district, is not compliant with the Town of Colonie Land Use Law, Article VI, Section 190-26c.(4)(d). A total of 0.01 acres of land disturbance is indicated in the Short Environmental Assessment Form.

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 #: 07-220503993

Project Name: Private Club in Single-Family Residence zoning district

Applicant: Lisa Proskin, Proskin Law Firm

Project Location: 36 Osborne Road

Municipality: Town of Colonie

Parcel Size: 0.49 acres

Zoning: Single Family Residence (SFR)

Tax Map Number: 53.11-6-69

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Use variance to operate private club in a Single Family Residential (SFR) zoning districts.

Action Type: Use Variance

Juris. Determinant: County Road

Potential Impacts: CR 154 Osborne Road

Staff Notes: The applicant proposes to operate a private club on a parcel located in the Single Family Residential (SFR) zoning district which is not a permitted use as per the Town of Colonie Land Use Law. The applicant seeks for use variance and reinterpretation for continued use. No land disturbances are indicated as per the Short Environmental Assessment Form. This property was used as a fire house since 1932 and in 2013 the organization ceased firematic and became a community service organization. Changes were made with permission and guidance from the Attorney General, Town Supervisor and Town Attorney. Since September 2021 the property has received anonymous complaints and personal issues were raised.

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 #: 13-220503987

Project Name: Proposed Hamlet Zoning Changes

Applicant: Town of New Scotland

Project Location: Hamlet Development Districts

Municipality: Town of New Scotland

Parcel Size: N/A N/A

Zoning: Hamlet Center (HD-C), Development Area (HD-D), Hamlet Expansion (HD-E)

Tax Map Number: N/A

Referring Agency: Town of New Scotland Legislative Board

Considerations: Adoption of proposed Local Law X of 2022, a local law amending the Town of New Scotland zoning map and zoning law.

Action Type: Adoption of Local Law

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The Town of New Scotland proposes to amend the zoning map and zoning district boundaries to include the full 20 acres parcel subdivided by the Mohawk Land Conservancy with the Hamlet Center Sub district. Remaining area in the Mohawk Land Conservancy revised to Hamlet Development Sub district. The Town also proposes minor adjustments and clarifications in the Zoning 190-112, Section D to add clarification to the bulk density table in relation to density, use of net buildable acreage to calculate allowable density on a parcel, monitoring partial lot splits, adding a density bonus incentive program in the Hamlets, clarifying maximum number of housing units allowed in multi-family development, and implementing the Town's Comprehensive Plan goals of promoting mixed use development in the Hamlet Center zoning district.

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 Board did not have any further questions or comments. Gary Ginsburg made a motion to accept the Staff Opinion for Case #04-220403984, 07-220403979, 07-220403982, 07-220403993 & 13-220403987. The motion was seconded by Beth Lacey and was unanimously approved by the Board members in attendance.

Case #: 01-220503981

Project Name: Roy's Caribbean Restaurant

Applicant: Roy E Vincent & Jossete Vincent

Project Location: 185 Henry Johnson Blvd

Municipality: City of Albany

Parcel Size: 0.03 acres

Zoning: Mixed Use Community Urban & Two family Residential (MU-CU & R-2)

Tax Map Number: 65.65-1-1

Referring Agency: City of Albany Planning Board

Considerations: Site plan review to remodel the existing restaurant, add a new addition to enlarge restaurant, and add a banquet room and bar. The proposal also includes four (4) apartments on the second floor and will include driveways from Henry Johnson Boulevard and Third Street. The dwelling units are to be a mixture of one and two- bedroom units. The proposal also requires an area variance to meet the parking requirements as per the City of Albany USDO.

Action Type: Site Plan Review, Area Variance

Juris. Determinant: Federal Highway

Potential Impacts: Route 9 Henry Johnson Blvd

Staff Notes: The applicant proposes to remodel the existing restaurant, add a new addition to expand the restaurant and add banquet hall and bar. The proposal includes four (4) apartments on the second floor along with driveways from Henry Johnson Boulevard and Third Street. The four (4) dwelling units are to be a mixture of one and two-bedroom units. The building will have a total of 11 bedrooms in six (6) units that includes two (2) existing dwelling units in the ground floor. The expansion of the restaurant will bring the total to 186 seats with 60 in the restaurant and 126 in the banquet hall. Ten (10) additional seats are proposed at the bar. The proposed building will involve repair/replacement of existing plumbing and one new water service connection. The proposed work is expected to create obstruction of traffic and excavation of City street/sidewalk. As per the City of Albany USDO Section 375-405(3)(d) a total of 26 parking spaces are required after shared parking and proximity to transit reductions but only three (3)

off-street parking spaces and four (4) on street parking spaces are proposed. Hence, an area variance is required.

Staff Opinion: Modify local approval to include

1. The Albany County Planning Board recommends that the City should request the applicant to pass the overall statutory test before granting the area variance for self-created alleged difficulty/ demonstrate any “unnecessary hardship.”
2. The City of Albany should that ensure adequate parking is available for both uses of the property.

Advisory Note: 1. The application should be reviewed for an area variance before the site plan review to assess the zoning compliance of the proposed action.

The Board did not have any questions or comments. Brian Crawford made a motion to accept the Staff Opinion for **Case # 01-220503981**. The motion was seconded by Beth Lacey and was unanimously approved by the board members in attendance.

Case #: 06-220503977

Project Name: Faisal's Auto Repair Garage

Applicant: Faisal Shehzad

Project Location: 640 Saratoga Street

Municipality: City of Cohoes

Parcel Size: 0.41 acres

Zoning: Industrial (I-1)

Tax Map Number: 20.16-1-31

Referring Agency: City of Cohoes Planning Board

Considerations: Site plan review and special use permit to construct 30'x50' one-story auto repair garage with office/customer space, three (3) service bays and on-site parking for 12 vehicles. Area variance is also requested for the proposed action to meet lot size and lot width requirements.

Action Type: Site Plan Review, Special Use Permit, Area Variance

Juris. Determinant: Municipal Boundary, State Road

Potential Impacts: Intermunicipal Boundaries of City of Cohoes and Town of Colonie, 32 Saratoga Street, FEMA Floodzone

Staff Notes: The applicant is seeking to operate an auto repair business that would be run by the applicant at 640 Saratoga Street. The proposal includes 30'x50' (1500 SF) one-story garage with three service bays and an office/customer area. 12 parking spots will be offered on site including one handicap spot. The applicant proposes to perform light auto repair consisting of oil changes, tire replacement and repair, brake system, auto exhaust, air conditioning, etc. No body or paint work is proposed. The industrial zone allows auto repair shops with a special use permit. The proposed auto repair shop will also require two area variances to meet the lot size requirement where 20,000 SF is required and 18,060 SF is proposed and the lot width requirement on one side of the property where 100' is required and 75' is proposed. The Pure Waters Department of the Town of Colonie has agreed to accept sewerage from the proposed garage as is done in other areas of the City along the City-Town municipal Boundary. Stormwater management is proposed via an open swale discharge to the existing unnamed creek in the northwest corner of the property. The sidelines of the property is to be fenced with 6' high wooden fence. The property is presently undeveloped. A total of 0.25 acres is to be disturbed during the construction. Director of Planning and Economic Development of Town of Colonie expressed concerns regarding the negative impacts that might affect the single-family residence adjacent to the proposed auto repair shop.

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.

Advisory Note: 1. The city should look into alternatives that minimize the negative impacts of the auto repair shop to the adjacent Single-Family Residential (SFR) zone.

2. The Albany County Planning Board advises that a buffer/visual screening should be provided between the commercial use and the residential use.

Brian Crawford asked if we had received any public comments regarding this case. Gopika Muddappa, Albany County Senior Planner stated that we had not, however Gopika was copied on a letter to the Town Planner for the City of Cohoes from Sean McGuire, Town of Colonie Director of Planning & Economic Development. In the letter, Mr. McGuire expressed concern about possible oil spillage and other negative impacts that can be caused by the auto repair shop.

The Board discussed adding an advisory to add visual screening (noted above as Advisory Note # 2).

With the additional advisory added, Brian Crawford made a motion to accept the Staff Opinion for **Case #:06-220503977**. The motion was seconded by Beth Lacey and was unanimously approved by the Board members in attendance.

Case #: 04-220503989

Project Name: Selkirk Reserve

Applicant: Selkirk Reserve LLC

Project Location: 939 Route 9W, Selkirk

Municipality: Town of Bethlehem

Parcel Size: 24.95 acres

Zoning: Rural (R)

Tax Map Number: 109.00-3-28

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and subdivision review to subdivide parcel into two (2) lots. Lot #1 is to be developed in the future and Lot #2 is to consist of nine (9) multi-family buildings with 72 affordable apartments and a clubhouse. A private road is to run through the site and end in a truck hammerhead turnaround. 126 parking spaces and private water and sewer are proposed.

Action Type: Site Plan Review, Subdivision Review

Juris. Determinant: County Road, Federal Highway

Potential Impacts: CR 53 Jericho Road, US-9W, Agricultural District, Historical District

Staff Notes: The applicant proposes to subdivide the existing parcel into two lots. Lot #1 will be developed in the future by the existing property owner, Jericho Acres, LLC. Lot #2 will be developed by the Applicant, Selkirk Reserve, LLC, into nine (9) multi-family buildings and a clubhouse to accommodate 72 affordable apartments. A private roadway will run through the site and end in a truck hammerhead turnaround. Surface parking spaces (126) are provided to serve Lot #2. Private water and sewer mains will be included along with landscaping, lighting and stormwater management system. The existing site is a 15.67± acre portion of a 24.95± acre parcel known as 939 Route 9W, Tax Map Parcel No. 109.00-3-28, which is currently occupied a single family dwelling with the majority of the site being vacant grassed land much of which was formerly farmed. The site lies entirely within the Rural (R) District. Lot No. 2 contains two wetlands totaling 0.24 acres. The wetlands on Lot No. 2 (the proposed site of this project) have been determined to be non-jurisdictional wetlands. The site is not listed on any register of historic places. A Phase 1 Cultural Resource Survey has been completed and a Phase 2 is under preparation. A determination that states no adverse effect to historic and cultural resources is sought from New York State Historic Preservation Office (SHPO). A new private sewer main will run through Lot #1 and to Lot #2, and connect to a manhole on Birdie Path. A pump station will

be included on Lot #2 due to the grade difference. The existing single-family dwelling with barns and sheds will be demolished.

Staff Opinion: Modify local approval to include

1. Demolition review should be required to ensure no hazardous materials are present in the site.
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-0-20-001, January 29, 2020)) for construction activities that disturb more than one acre of land.
4. 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.

Dan Hershberg of Hershberg and Hershberg spoke about the project. He stated that it does not have a through entrance going from Jericho Road to 9W. This project has a dead end that will be gated for the purpose of emergency access but not for the purpose of a through driveway. Dan also stated that the applicant for Lot 1 has put the application on hold until the moratorium is lifted.

Gary Ginsburg made a motion to accept the Staff Opinion for **Case # 04-220503989**. The motion was seconded by Brian Crawford and was unanimously approved by the Board members in attendance.

At 3:54pm Travon Jackson joined the meeting. **Case #: 04-220503990, Stewarts Shop** was the first case that he reviewed and voted upon.

Case #: 04-220503990

Project Name: Stewart's Shop Redevelopment

Applicant: Stewart's Shop Corp.

Project Location: 33 Frontage Road, 21 Frontage Road

Municipality: Town of Bethlehem

Parcel Size: 1.64 acres

Zoning: Rural Light Industrial

Tax Map Number: 87.03-1-12, 87.03-1-13

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for redevelopment of existing Stewart's shop convenience store (2,352 SF) with self-service gasoline and the former Johnny B's Glenmont Diner.

Action Type: Site Plan Review

Juris. Determinant: Federal Highway, Thruway

Potential Impacts: US 9W, I87 New York Thruway

Staff Notes: This is a redevelopment project and the properties involved are the existing Stewart's Shops convenience store (2,352 sq. ft.) with self service gasoline and the former Johnny B's Glenmont Diner. The proposal calls for the ultimate construction of a new Stewart's Shops convenience store with self-service gasoline. The existing Stewart's Shops and canopy will be demolished and the former Johnny B's Glenmont Diner building will be relocated off site by the current owner. The owner and operator of the former Johnny B's Glenmont Diner is still evaluating what he will do with the former Diner. A total of 1.4 acres of land disturbances are anticipated. The proposed action includes construction of a new 3,975 sq. ft. Stewart's Shop, 2,000 sq. ft. canopy with four (4) fuel islands and an 840 sq. ft. diesel canopy with two (2) fuel islands. The existing underground fuel storage tanks will remain with the addition of one (1) new 6,000-gallon diesel tank. The existing Stewart's Shops and canopy will be demolished, and the former Johnny B's Glenmont Diner building will be relocated off site by the current owner. The owner and operator of the former Johnny B's Glenmont Diner is still evaluating what he will do with the former Diner. Proposed features will include new landscaping, lighting, paved parking, access drives and utility and storm water management improvements. The subject site and the adjoining parcels are located in the Rural Light Industrial (RLI) District. A Convenience Store, Mini Mart is an allowed use subject to Site Plan approval. The existing Stewart's Shop is located on a 0.45+/- acre parcel located on the north side of Frontage Road just south of the intersection of Frontage Road and Hannay Lane and just north of the intersection of Frontage Road and 9W. The project includes the consolidation of the Stewart's parcel with the 1.17+/- acre parcel to the east, formerly Johnny B's Glenmont Diner, to form a 1.62+/- acre lot. The combined parcels currently include a 2,500+/- sq. ft. Stewart's Shop, a 2,000 +/- sq. ft., four (4) island fuel canopy, underground fuel tanks, a 2,840+/- sq. ft. diner and associated asphalt and gravel parking and delivery areas with a total of four (4) access drives into the site from Frontage Road. This application was previously reviewed by the ACPB in August 2021 for Area variance for accessory (diesel canopy) located in the front yard setback associated with the construction of a convenience store with fuel islands. The ACPB determination was, "1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming

that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.

2. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.
3. Review by the Albany County Department of Health for food service and other required permits.
4. 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 unnecessary hardship."

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.
3. Demolition review should be required to ensure no hazardous materials are present in the site.
4. 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.

Gary Ginsburg made a motion to accept the Staff Opinion for **Case #: 04-220503990.** The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Case #: 04-220503995

Project Name: Diversified Auto

Applicant: Diversified Automotive, Inc.

Project Location: 109 Bridge Street, Selkirk

Municipality: Town of Bethlehem

Parcel Size: 4.30 acres

Zoning: Heavy Industrial

Tax Map Number: 121.03-2-13

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review to add 13,400 SF building addition to existing 8,000 SF warehouse building. Site modification include 20 parking spaces for employees, nine (9) spaces for trucks, gravel ingress/egress to the site and 6' chain link stockade fence to screen the facility.

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: 396 Bridge Street

Staff Notes: The proposed project involves constructing a 13,400 SF addition to the existing building and placing asphalt pavement over the existing compacted gravel area (2.5 +/- acres) and asphalt paving in the grass fringe area along the perimeter of the existing gravel area (0.4 +/- acres). The site paving is required to provide stable support as well as limit dust from the trucks entering and exiting the site. The facility will continue to be used for vehicle maintenance and staging of the Diversified car delivery fleet. The existing septic system will be relocated to an area outside of the asphalt pavement area. An application for septic system approval has been submitted to the Albany County Department of Health. Water is supplied to the site by the existing town water system at Bridge Street. The existing property currently has an 8,000 SF warehouse building that has three (3) bays for vehicle servicing, office area and bathroom facilities. The existing building is surrounded by compacted gravel that is utilized for vehicle parking and ingress and egress from the site. Stormwater quantity and quality controls will be provided through the combination of standard and green infrastructure practice techniques in accordance with the NYSDEC guidelines. The grading will include placement of stormwater management systems, including perimeter dry swales, underground sand filter and dry pond for stormwater attenuation. This application (04-220403951) was reviewed by the Albany County Planning Board in April 2022 for an area variance for the proposed 8,200 SF single story addition of a three bay truck maintenance warehouse and 5,200 SF office parts storage building to the existing three bay truck maintenance building. 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. 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.

3. Review by the Albany County Department of Health for the proposed relocation of septic system."

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-0-20-001, January 29, 2020)) for construction activities that disturb more than one acre of land.

2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.

3. Review by the Albany County Department of Health for the proposed relocation of septic system.

Advisory Note:

1. The Albany County Planning Board advises the preference for screening of this facility to be stockade or similar type of fencing over chain link fencing.

The Board discussed adding an Advisory Note mentioning the type of fencing that should be considered for screening (noted above).

With the addition of the Advisory Note, Brian Crawford made a motion to accept the Staff Opinion for **Case #: 04-220503995**. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 07-220503980

Project Name: Partial Demo/Site Work

Applicant: Northway Six LLC

Project Location: 6 Northway Lane

Municipality: Town of Colonie

Parcel Size: 4.30 acres

Zoning: Airport Business Area (ABA)

Tax Map Number: 30.-3-66.2

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for partial demolition to existing building as well as pavement which will result in increasing the site's green space. New stormwater management mechanism are proposed to address current ponding issue on site.

Action Type: Site Plan Review

Juris. Determinant: County Road

Potential Impacts: CR 155 Wolf Road, Agricultural District

Staff Notes: The applicant proposes to remove a portion of the building in the front along with pavement within and around the existing parking lot to accommodate the needs of the tenant. The applicant proposes to provide stormwater management consisting of a hydrodynamic separator and storm sewers to alleviate the existing ponding issues. Site modifications also include interior building renovations to accommodate the new tenant. No changes proposed to the existing sanitary sewer system or the water system. The traffic is anticipated to be similar to former uses of the site. Less than one acres (0.4 acre) of land disturbance is expected to occur during the proposed action. The building is currently vacant and the last known prior tenant was WABtec (Westinghouse Air Brake Tech Corp.).

Staff Opinion: Modify local approval to include

1. Demolition review should be required to ensure no hazardous materials are present on the site.

The Board did not have any questions or comments regarding this referral. Beth Lacey made a motion to accept the Staff Opinion for Case #:07-220503980. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 07-220503983

Project Name: Proposed Construction Company

Applicant: Victor A. Caponera, Caponera Law (Agent for True Property, LLC)

Project Location: 22 Crescent Terrace

Municipality: Town of Colonie

Parcel Size: 2.20 acres

Zoning: Neighborhood Commercial Office Residential (COR)

Tax Map Number: 2.3-1-23

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Use variance for the proposed large construction company located in the Neighborhood Commercial Office Residential (NCOR) zoning districts where the use is not permitted.

Action Type: Use Variance

Juris. Determinant: Federal Highway

Potential Impacts: US 9 Loudon Road

Staff Notes: The applicant proposes to convert the small construction company to a large construction company with outdoor storage for Home Evolution Roofing Company. A total of two (2) acres of disturbance is anticipated. The stormwater drains are to be directed into the Mohawk River and the owner proposes to construct detention areas to control stormwater discharge. The proposed use is not permitted as per the Town of Colonie Land Use Law, Article V.

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-0-20-001, January 29, 2020)) for construction activities that disturb more than one acre of land.

Advisory Note:

1. The Albany County Planning Board advises that the site should not be used for storage of demolition materials and that the demolition materials in trucks should be tarped.

Brian Crawford asked what the large construction company is and what they do. Gopika stated that it is a roofing company. Gerry and Brian noticed that it is a very large site and seems to be a mix of residential and commercial use around it and there are existing structures on the site already. The Board reviewed the Site Plan for this case. It was decided that an Advisory Note should be added that discusses the storage of demolition materials (Noted above). Gerry questioned whether the County Stormwater technician had looked at this about drainage into the Mohawk. Bill Anslow responded that the Town of Colonie has their own Stormwater Dept. so they will be able to review this project. Beth Lacey commented that this application is for a Use Variance so we will see this referral again. Bill Anslow stated that they are likely waiting on the approval for the Use Variance before completing the SWPPP. When they apply for a Site Plan Review, we should see the SWPPP included with the application materials.

With the Advisory Note added, Brian Crawford made a motion to accept the Staff Opinion for **Case #: 07-220503983.** The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Case #: 07-220503985

Project Name: Building/Site Work

Applicant: Nina Maria Crisafulli

Project Location: 1205 Central Ave

Municipality: Town of Colonie

Parcel Size: 0.40 acres

Zoning: Commercial Office Residential (COR)

Tax Map Number: 53.6-7-35.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for change of use from storage to general contractor's roofing company. Fencing, gates, driveway and proposed garage to be constructed.

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: 5 Central Avenue

Staff Notes: The applicant proposes the change of use from office space to general contractors/ roofing business with showroom to display products. Site improvements include fencing, gates, driveway and proposed for storage. The new tenant is to be Klaus Roofing. The existing access via Central Avenue is to remain. The proposed 6-bay garage is to be 1980 SF located in the rear of the property. A total of 0.1 acres of land disturbance is expected. The proposed action will connect to the existing water and waste water utility connections.

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.

The Board did not have any questions or comments. Gary Ginsburg made a motion to accept the Staff Opinion for **Case #:07-220503985.** The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Case #: 07-220503988

Project Name: Raymour & Flannigan - Partial Demolition & Site Change

Applicant: Albany Central Ave LLC

Project Location: 1960 Central Avenue

Municipality: Town of Colonie

Parcel Size: 15.26 acres

Zoning: Commercial Office Residential (COR)

Tax Map Number: 29.1-1-18

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed loading dock modifications, partial demolition and façade upgrades.

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: 5 Central Avenue, NWI Wetlands

Staff Notes: This is an application for loading dock improvements (<10,000 SF) and the building is to remain a furniture warehouse with a showroom. The site will maintain conformance with the existing Town Zoning, Business E-1/E. The existing 15.26 acres property will remain unchanged as viewed from Central Avenue as all exterior modifications are proposed along the south face of the building. With the proposed 9,225 SF loading dock modification, approximately 7,700 SF of building is proposed to be removed. The resulting area of the one-story building will therefore decrease from approximately 140,810 SF to 133,430 SF. Less than one acre of land disturbance is indicated in the Full Environmental Assessment Form.

Staff Opinion: Modify local approval to include

1. Demolition review should be required to ensure no hazardous materials are present in the site.

The Board did not have any questions or comments. Brian Crawford made a motion to accept the Staff Opinion for **Case #: 07-220503988**. The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Case #: 10-220503978

Project Name: Gardner Road Minor Subdivision

Applicant: 6256 Gardner Road LLC

Project Location: Gardner Road Rte 146

Municipality: Town of Guilderland

Parcel Size: 81.50 acres

Zoning: Rural Agricultural District RA3

Tax Map Number: 38.00-2-7.1

Referring Agency: Town of Guilderland Planning Board

Considerations: Three-lot subdivision to divide 81.5 acres of land into three lots consisting of 8.95 acres (Lot 1 & Lot 2) and 63.55 acres (Lot 3). No public water or sewer is available for the proposed lots.

Action Type: Subdivision Review

Juris. Determinant: State Road

Potential Impacts: State Route 146, Historic District, Agricultural District, NWI Wetlands

Staff Notes: The applicant is proposing a three-lot subdivision of 81.5 acres of land located in the Rural Agricultural (RA3) District. Lot 1 and Lot 2 would consist of 8.95 acres of land each with a proposed single family dwelling on both the parcels. Lot 3 would consist of 63.55 acres of land that is to remain undeveloped. Lot 1 and Lot 2 will be accessed from Gardner Road. No public water or sewer is available in this area of Town. The plans depict locations of private wells and septic area on Lot 1 and Lot 2. Based on the wetland delineation shown on the plans, there are approximately 3.83 acres of wetlands on Lot 1 and Lot 2. The proposed locations of the single-family dwellings and accessory structures are located outside of the wetland areas. The driveways for Lot 1 and Lot 2 cross over the wetland areas, with a note on the plans indicating 0.069 acres of wetland disturbance associated with the driveways.

Staff Opinion: Modify local approval to include

1. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
2. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.

Advisory Note: 1. The applicant should consider relocation of the proposed structure on Lot 2 due to the close proximity of the wetlands.

The Board reviewed the wetlands on the map. Without any further questions or comments, Gary Ginsburg made a motion to accept the Staff Opinion for **Case #:10-220503978.** The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 10-220503992

Project Name: 3852 Western Tpke

Applicant: Sabrina Krouse

Project Location: 3852 Western Tpke

Municipality: Town of Guilderland

Parcel Size: 242.00 acres

Zoning: Residential Agricultural (RA3)

Tax Map Number: 25.00-1-30

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit to allow storage of tree service equipment.

Action Type: Special Use Permit

Juris. Determinant: State Road, Agricultural District

Potential Impacts: 20 Western Avenue, Agricultural District

Staff Notes: The property is proposed to be used for storage of Equipment associated with all American Tree Service that holds the stump grinder, landscape trailer and chip grinder. The property will also be used to store logs and wood chips until there are enough to be moved to a wood mill. As per the Short Environmental Assessment Form, a total of one acre of land disturbance is anticipated.

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-0-20-001, January 29, 2020)) for construction activities that disturb more than one acre of land.

The Board did not have any questions or comments on this referral. Brian Crawford made a motion to accept the Staff Opinion for **Case #:10-220503992.** The motion was seconded by Beth Lacey and was unanimously approved by the Board.

Case #: 10-220503994

Project Name: 1 Alton Road - Special Use Permit

Applicant: One Alton Road Associates

Project Location: 1 Alton Road

Municipality: Town of Guilderland

Parcel Size: 0.43 acres

Zoning: Local Business District (LB)

Tax Map Number: 52.14-4-40

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for occupancy by tenant that serves Italian ice.

Action Type: Special Use Permit

Juris. Determinant: Federal Highway

Potential Impacts: 20 Western Avenue

Staff Notes: This is an application for special use permit to allow the new tenant to serve Italian Ice and ice cream. This is a change of tenant application with no land disturbances. The tenant will mostly use the space for order to pickup. Modifications include transformation of current window into a service window and adding a small protective awning. The rental space is connected to existing water and waste water connection utilities.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for food service and other required permits.

The Board did not have any questions or comments on this referral. Beth Lacey made a motion to accept the Staff Opinion for **Case #: 10-220503994**. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 02-220503996

Project Name: SUP for In-Law Apartments

Applicant: Eric Krans & Jen O'Connor

Project Location: 167 Maple Avenue

Municipality: Village of Altamont

Parcel Size: 5.00 acres

Zoning: Residential minimum of 10,000 SF (R10)
Tax Map Number:
Referring Agency: Village of Altamont Planning Board

Considerations: Special use permit to add accessory dwelling for in-law apartment on site of existing disrepair garage.

Action Type: Special Use Permit

Juris. Determinant: State Road, County Road

Potential Impacts: 146 Western Avenue, CR 253 Maple Avenue, FEMA Floodzone, NWI Wetlands

Staff Notes: The applicant proposes to add an accessory building for the in-law apartment in place of the existing garage. The garage is dilapidated and the applicant is interested in rebuilding the structure in its current footprint as an accessory dwelling/ in-law apartment. The garage currently has electricity but would require sewer and water connections. The proposed accessory structure will have a living room, kitchen and bathroom. This proposed action is listed as Type II action.

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.

The Board did not have any questions or comments regarding this referral. Brian Crawford made a motion to accept the Staff Opinion for **Case #: 02-220503996**. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 09-220503991

Project Name: Verizon Wireless - Green Island - Unmanned Wireless Communication Facility

Applicant: JBH Properties, LLC on behalf of Cellco partnership, d/b/a Verizon Wireless

Project Location: 4 Center Court

Municipality: Village of Green Island

Parcel Size: 1.04 acres

Zoning: Industrial

Tax Map Number: 32.28-1-1.11

Referring Agency: Village of Green Island Planning Board

Considerations: Site plan review and special use permit to install unmanned wireless communications facility on the existing property located at the intersection of Center Court and James Street. Access to the property will be provided from Center Court utilizing an existing private access driveway. An area variance is required to meet the front yard setback requirements.

Action Type: Site Plan Review, Special Use Permit, Area Variance

Juris. Determinant: Municipal Boundary

Potential Impacts: Intermunicipal Boundaries of Village of Green Island and Town of Colonie

Staff Notes: The applicant proposes the construction of an unmanned public utility/personal wireless service facility in an irregularly shaped portion of lands owned by JBH Properties. The proposed communications facility consists of panel antennas and related equipment on a 120+/- ft. monopole tower (124+/- ft. including a 4 ft. lightning rod), equipment and related appurtenances on a 9.33 ft. x 16 ft. elevated platform, utility connections on a 4.5+/-ft. x 10.5+/- ft. elevated platform, and all associated RF equipment, improvements and access/utilities. The project is an allowable land use subject to obtaining a special use permit approval from the Village of Green Island Planning Board. In addition, due to the existing site constraints, an area variance is required for 4' of relief from the front yard setback of the proposed fence. The purpose of the project is to expand and improve Verizon Wireless 4th generation long term evolution (4G LTE) services in and around Village of Green Island and to provide 5G service. A 30' wide easement area will provide the applicant with access to and from the premises and to utilities. Access to the proposed facility will originate from Center Court utilizing the existing curb cut. A 6' chain link safety fence will be installed to secure the tower site and protect the tower and Verizon wireless telecommunications equipment from unauthorized access. The facility will be visited for routine maintenance purposes approximately 2-3 times per year. Less than one acre of land disturbance is anticipated during the proposed action.

Staff Opinion: Modify local approval to include

1. A decommissioning plan or established conditions requiring abandoned telecommunications facilities structure to be removed by the owner/applicant is also generally included as part of an approval for this size project.
2. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML §239-nn.

Advisory Note: 1. The Albany County Planning Board recommends that notification of this application should be provided to any municipality in the effective service area of the proposed facility in order to facilitate intermunicipal coordination and potential co-location of future telecommunications facilities.

The Board did not have any questions or comments on this referral. Beth Lacey made a motion to accept the Staff Opinion for **Case #:09-220503991**. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 16-220503986

Project Name: Blackbird Tavern & Bike Café

Applicant: Business for Good

Project Location: 40,42, 43 Main Street

Municipality: Village of Voorheesville

Parcel Size: 0.86 acres

Zoning: Main Street East (MSE) Commercial

Tax Map Number: 72.7-3-44, 72.7-3-45, 72.7-3-14

Referring Agency: Village of Voorheesville Planning Board

Considerations: Site plan review for demolition of existing structures for future development. The Owner plans to merge 40 & 42 to build an eating and drinking establishment (Blackbird Tavern) and to build a café (Blackbird Bike Café).

Action Type: Site Plan Review

Juris. Determinant: County Road

Potential Impacts: CR 201 South Main Street, CR 306 Voorheesville Avenue

Staff Notes: This is a Village redevelopment project proposing to remove three (3) existing buildings and construct a 5000 SF one-story restaurant and a two-story 1,625 café with two (2) apartments total 1,625 SF on the second floor. The project will include new full access driveways, 37 parking spaces, sidewalks, outdoor patios and on-site stormwater management. The first building is a 5000 SF Tavern restaurant and the second building is a 3,250 SF Bike Cafe with two apartment units on the upper level. The site has approximately 250 feet of frontage along South Main Street, 220 feet of frontage on Center Street and 100 feet of frontage on Voorheesville Avenue. The application proposes two full access drives on the east side of South Main Street, one full access and one exit only driveway on Center Street and no proposed

access drives on Voorheesville Avenue. The Three existing properties are fully developed and all existing structures and parking areas are proposed to be removed. The property is zoned Main Street East and permits restaurants, cafes and apartments as allowable uses. The proposed site development will meet all bulk and schedule setback requirements of the MSE District, with the exception of Maximum Lot Coverage. The architectural style of the proposed buildings relate to the residential character of the Village. The proposed buildings will be serviced with public water and sewer. Existing water and sewer utilities are available along Center Street and Voorheesville Avenue. Stormwater is to be managed on-site as a Redevelopment Project in conformance with Chapter 9 of the New York State Stormwater Design Manual, revised January 2015. Less than one acre of land disturbance is anticipated during the proposed action. As per the traffic evaluation report, the project is expected to generate 16 new vehicle trips during the AM peak hour and 35 new vehicle trips during the PM peak hour.

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 the Albany County Department of Health for food service and other required permits.

Advisory Note:

1. The Albany County Planning Board advises the Village of Voorheesville to look into the parking situation and ensure adequate parking is available for the proposed action. The ACPB also recommends shared parking with the adjacent property.

The Board discussed the exact location of this project and had concerns regarding the lack of parking. The Board decided that an advisory note should be added addressing this concern (noted above).

Brian Crawford made a motion to accept the Staff Opinion for **Case #:16-220503986**. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

This concludes the Municipality referrals that were submitted for review.

Unfinished Business: None

New Business: The next meeting will be held on June 16, 2022 at 3:30pm. It is unknown at this time whether the meeting will be held remotely or if we will be meeting in person. The current order allowing remote meetings is scheduled to expire on June 8, 2022. A room at Cornell Cooperative Ext. has been reserved in the event that we will be required to meet in person. Beth Lacey commented that if our meeting is held remotely she will be able to attend, however if the meeting will be held in person, she will not be able to attend.

Gerry Engstrom reminded the Board that he is currently the *Interim* Chairperson as we were down 2 Board members for several months. The County Attorney advised that a Chairperson and Vice Chairperson be nominated once the Board had 5 Board members in attendance at a meeting. Gerry expressed interest in making his role of Chairperson a permanent one for at least the next year if the other Board members agree. He asked that the Board Members give it some thought over the next month and if all 5 are in attendance at the June meeting, they can take a vote. Once the Chairperson has been determined, they will discuss who might be interested in being the Vice Chairperson and what that role would entail. The Albany County Planning Board has not had a Vice Chairperson in the last several year, however the county attorney recommended that the role should be filled.

Adjourn: Beth Lacey made a motion to adjourn at 4:37pm.

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