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ACPB Meeting Minutes – August 18, 2022

NOTE: Due to issues related to Covid-19, the August 18, 2022 meeting of the ACPB was held remotely via Microsoft Teams. The public was able to call into the meeting to listen. There was a designated period of time prior to the meeting for written comments to be submitted.

Board Members Present: Gerry Engstrom, Gary Ginsburg, Beth Lacey, Brian Crawford and Travon Jackson (joined the meeting at 3:48pm).

Board Members Absent: None

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer; James Mearkle, Traffic Engineer; Nicholas Blais, Albany County Comptroller's Office, Ex-Officio and Sameer Modasra, Albany County Division of Management and Budget, Ex-Officio.

Guests: Dan Hershberg, Hershberg and Hershberg; J. Tender; Christopher Dempf, Tobin and Dempf, LLP.

Minutes: Lynn Delaney, Secretary

Call to Order: Gerry Engstrom called the meeting to order at 3:37pm.

Gary Ginsburg made a motion to approve the July 21, 2022 ACPB Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom (Beth Lacey did not attend the July meeting and Travon Jackson had not arrived to the August meeting at this time).

ACPB 8/18/22 Meeting Minutes - APPROVED (cont.)

Brian Crawford made a motion to move all cases with a recommendation of Defer to Local Consideration to the front of the agenda and to vote on them as a group. Beth Lacey seconded the motion and Gerry Engstrom and Gary Ginsburg also approved.

Case #: 01-220804032
Project Name: **Accessory Parking Lot**

Applicant: Ron Stein
Project Location: 48 Delaware Ave & 234 Myrtle Ave
Municipality: City of Albany
Parcel Size: 0.23 acres
Zoning: Mixed Use Community Urban & Historic Resources Overlay (MU-CU & HR-O)
Tax Map Number: 76.39-2-35, 76.39-2-1
Referring Agency: City of Albany Zoning Board of Appeals

Considerations: Area variance to allow the proposed parking to be located 390+/- feet away from the residential development whereas the maximum distance allowed is 300 feet. The two vacant lots are proposed to be developed at 48 Delaware Ave with one-story building and 16 parking spots.

Action Type: **Area Variance**

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

Beth Lacey had some questions related to this case regarding the distances between the lots. The Group decided to pull this case from the list of Defers so they could go over it with more detail. It is placed on the agenda after the Mullholland Variance case but before the 42 Corporate Circle Case.

The Board continued with the cases marked Defer to Local Consideration:

Case #: 01-220804034
Project Name: **1211 Western Avenue - Site Plan Amendment**

Applicant: Jon Grant, GSX Ventures
Project Location: 1211 Western Avenue

Municipality: City of Albany
Parcel Size: 0.88 acres
Zoning: Mixed Use Community Urban (MU-CU)
Tax Map Number: 64.22-1-10
Referring Agency: City of Albany Planning Board

Considerations: Site plan amendment with modifications to prior approved site plan to alter disposal plan, and waterline connection, and the resulting changes to the National Grid installations. Originally the project was set to demolish existing 3-story office building and construct a 6-story 151,575 sq.ft. apartment building containing 136 units. The ACPB reviewed site plans for this project in 12/2017, 01/2018, 10/2018 and 01/2019

Action Type: Site Plan Review

Juris. Determinant: Federal Highway
Potential Impacts: Route 20 Western Ave

Staff Notes: This is a site plan amendment to the previously approved site plan related to the on-going construction for the 1211 Western Avenue project. The site plan submission will include minor modifications associated with the waterline connection and the resulting changes to National Grid installations. The modifications to the National Grid infrastructure location resulted in a narrower path between the building and the adjacent property for trash receptacles to be brought to the sidewalk for collection. In agreement with National Grid, the protective bollards will be relocated to allow for 4-feet 9-inches of space between the bollard and the concrete pad where the National Grid equipment is located which provides enough space for the trash receptacles to be pulled to the curb for collection. This case (01-190103191) was previously reviewed by the Albany County Planning Board in January 2019 and the Board determination was, 'Disapprove without prejudice for the following reasons:

1. While the multi-family residential use is consistent with land uses found along this portion of Western Ave., the density and scale of the proposed use is out of character. The size and scope of this updated site plan proposal does not significantly address the ACPB's original concerns. The ACPB recommends that the City of Albany Planning Board request the project applicant to submit revised plans or alternative designs that are more consistent with the character, scale, and density of similar uses in the

surrounding area and that minimize potential impacts to adjacent properties.

2. Traffic report notes anticipated peak evening trips is 37. The proposed entrance gate will slow traffic entering the site and will impede traffic patterns along SR-20.

There is no short term parking for vehicular drop-off and pick-up to accommodate taxis, ride-sharing services, deliveries (UPS, USPS, FedEx, etc.), garbage pickup, etc. If a visitor enters the parking garage and cannot get through the gate is this person expected to back-up onto SR-20? What happens if there is a car behind them?

No vehicular parking and standing should be permitted on State Route 20 as this is designated "Fire Lane".

The parking garage gate should be eliminated for these reasons.

3. The north side delivery access will require deliver and garbage trucks to back-up and impede traffic on SR-20. The design should show a driveway turnaround to insure all vehicles leaving the site are in the forward facing direction.

4. ACPB does not feel the proposed 150 parking spaces is enough parking. The surrounding business and residential roads; Tudor, Magazine, Locust, Homestead, Clarendon, etc. will most likely be used as overflow parking.

The project should demonstrate how additional parking spaces can be incorporated onto their site or make arrangements with neighboring sites for parking if future demands exceed the proposed 150 spaces.

5. The following aspect of the submitted Stormwater Pollution Prevention Plan need to be addressed:

On page 19 of the SWPPP, under Erosion and Sediment Control Inspections, the plan states:

"Since there are a limited number of professionals registered as CPESC, the qualified professional will have practical and applied construction experience and possess familiarity with BMPs and erosion and sediment control techniques."

According to Part 4.C of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-0002), the owner or operator shall have a qualified inspector conduct site inspections that is either a Licensed Professional Engineer, a Certified Professional in Erosion and Sediment Control (CPESC), a Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the

licensed Professional Engineer or Registered Landscape Architect, provided they have received four hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. Someone who is simply proficient in construction experience and possesses familiarity with BMPs and erosion and sediment control techniques is not qualified to perform site inspections per the requirements of the GP-0-15-0002 permit.' It also included advisory notes as follows,'1. Encourage the applicant to further reduce lot coverage, increase setbacks, and/ or create larger buffers alongside single family residential uses in order to provide a transition between density changes.

2. The design should demonstrate and show a pedestrian detour when the sidewalk is closed due to construction activity.

3. The applicant is seeking zoning code relief to construct a 6-story structure by providing a "Blue Roof". Current plans for the "Blue Roof" are incomplete. "Blue Roof" design should be complete and have an approved SPEDES Permit by NYS DEC prior of any approvals.

4. Submitted storm water pollution prevention plan appears to have conflicting information:

Item #9: Identify the nearest surface waterbody to which construction site runoff will discharge.

Applicant Patrick Mitchell identified the Hudson River, however the nearest surface waterbody to 1211 Western Ave is actually the Krumkill Creek.

#10: Has the surface waterbody in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-0002?

Applicant Patrick Mitchell answered NO to this question. This is incorrect, the Krumkill, Upper and Tribs (1311-0004) have been identified as an Impaired Segment by the NYSDEC in 2007, under the general classification of "Minor Tribs to West of Hudson." The watershed in which the proposed project is located is in fact located in a 303(d) segment. The sources of pollutants are known as Urban/Storm Runoff, suspected as Combined Sewer Overflow and possibly Industrial in nature.

5. Referencing to the letter sent to Bill Simcoe, Deputy Commissioner of Water and Water Supply that was included in the application:

"The applicant will mitigate the 4x (peak rate) by installing

a holding tank and pump system that would allow a consistent flow rate with no peak. This equates to 5.26 gpm to be mitigated through the reduction of infiltration and inflow. The applicant is researching a further reduction by re-cycling the “gray” water discharge to be used to flush toilets.”

Stating that the “applicant is researching a further reduction”

To maintain compliance of DEC requirements of GPM discharges suggests that the applicant does not have all aspects of the project completed.

6. As discussed in the Albany County Planning Board meeting on October 18, 2018, the applicant had not submitted site plans illustrating the design of the Blue Roof system. While the hydrological analysis was submitted utilizing hydrocad, no designs of the Blue Roof system were submitted. This is also the case in the January 2019 application- no Blue Roof designs or site plans were included.

Being that the Blue/Green Roof (still unsure of what application the applicant intends to use) is a contributory factor to Zoning Code Relief that this applicant is seeking to apply to the MU-CU Zoning District within the City of Albany, a site plan of the green roof/blue roof construction is recommended to aid in the decision of the ACPB, and should be required to aid in the decision of the City of Albany Department of Planning and Development.

7. The site plans should be updated to conform to all requirements for fire apparatus access roads as required by the 2015 International Fire Code of New York State Building Code Chapter 5 and Appendix D.

a. Section 501.3.1.1 requires the “Fire Apparatus access road shall comply with the requirements of Chapter 5 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building...” The Fire Code Official is authorized to increase the dimension of 150 feet when certain conditions are met. Current site plan does not comply. Any approved increases by Fire Code Official should be documented and a copy of the document should be sent to the ACPB for their file.’

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 #: 03-220804044
Project Name: **Melissa Mirabile - Variance**

Applicant: Melissa Mirabile
Project Location: 17 Ridge Ln
Municipality: Town of Berne
Parcel Size: 7.37 acres
Zoning: Residential/Agricultural/Forestry (RAF)
Tax Map Number: 80.10-1-16
Referring Agency: Town of Berne Zoning Board of Appeals

Considerations: Area variance to meet setback requirements.

Action Type: **Area Variance**

Juris. Determinant: State Road
Potential Impacts: 157A Western Lake Road, NWI Wetlands (Warners Lake)

Staff Notes: The applicant requests for relief of 300 ft building line width that is required in the Residential/Agricultural/Forestry (RAF) zoning district and relief of 100ft side yard setback in the RAF zoning district. This is a pre-existing undersized lot where the applicant proposes to construct a 2000+/- SF home with attached two-car garage in the approximate location of existing home.

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 #: 04-220804035
Project Name: Bethlehem Town Center II-SP Amendment for removal for landscaping

Applicant: Ted Livanos
Project Location: 241 and 237 US Route 9W
Municipality: Town of Bethlehem
Parcel Size: 16.65 acres
Zoning: General Commercial
Tax Map Number: 86.00-2-20
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review/site plan amendment for removal of existing landscaping berm on 241 Route 9W between parking lot and frontage along Route 9W as proposed in the originally approved site plans.

Action Type: Site Plan Review/ Site Plan Amendment

Juris. Determinant: Federal Highway
Potential Impacts: Route 9W, Agricultural District, NWI Wetlands

Staff Notes: The applicant is seeking approval of a site plan amendment to authorize removal of berms located at the front of the property and to replace existing vegetative landscaping in that area with a variety of species of vegetative landscaping. This property was initially approved for development in or about 2006. At that time, the site plan approval required substantial berms and landscaping at the front of the property to screen the site from the roadway. At that time, the character of the Route 9W corridor in that area was more rural, and the berm and screening was required because the development was then considered a new introduction of commercial development into a previous rural area. Now, since the corridors of Route 9W has undergone substantial commercial development and has less rural development, the applicant proposes to remove the berm to increase visibility of the retail stores. The applicant also expresses his concern towards the economic hardship due to the lack of visibility including reduced rents, delayed leasing, lost tenants, and struggling local businesses. With example of other commercial developments along the corridor that does not have berm, the applicant proposes to replace the existing berms with shrubs and perennials.

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 advises that the Town should consider to reinforce the fact that the developer/owner should maintain the garden proposed in the site plan and not allow them to become weed gardens or flood retention ponds in order to maintain some level of screening between the highway and the strip mall.

The Board determined that they would like to add an advisory note regarding the maintenance of the proposed garden (noted above as Advisory Note #1).

*At the end of the meeting, Christopher Dempf arrived to discuss this case (after the vote had already taken place). The Board allowed him to speak. The notes regarding that discussion can be found on Page 24 of these meeting minutes.

Case #: 07-220804045
Project Name: Schlansker - 302 Troy Schenectady Road

Applicant: Dick Schlansker
Project Location: 302 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 0.63 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 31.8-1-6
Referring Agency: Town of Colonie Planning Board

Considerations: Area variance for the proposed construction of mixed-use commercial/residential building that has 12,800 SF density where 11,340 SF is the maximum allowable density as per the Town Code.

Action Type: Area Variance

Juris. Determinant: State Road
Potential Impacts: Route 2 Troy Schenectady Road, NWI Wetlands

Staff Notes: The applicant is proposing to construct a mixed-use building on 0.63 acres at 302 Troy Schenectady Road. The project will include a single full access driveway, 20 parking spaces and on-site stormwater management. The three-story building is approximately 12,800 SF and

includes parking at the lower level, mixed use commercial use on the main first floor level and apartments on the upper level. Less than one acre of land disturbance is anticipated during the proposed action. The proposed construction has 12,800 SF in density where 11,340 SF is the maximum allowable density and does not provide 3,000 SF of commercial use per dwelling unit as per the Town Code.

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 #:

10-220804043

Project Name:

Laviano 3 Lot Minor Subdivision

Applicant:

Chris Laviano

Project Location:

1854 Western Ave

Municipality:

Town of Guilderland

Parcel Size:

1.20 acres

Zoning:

Single Family Residential District (R15)

Tax Map Number:

52.09-6-2

Referring Agency:

Town of Guilderland Planning Board

Considerations:

Three lot minor subdivision of 1.2 acres where Parcel A would consist of 0.45 acres, and Parcel B & Parcel C would consist of 0.35 acres each.

Action Type:

Subdivision Review

Juris. Determinant:

Federal Highway

Potential Impacts:

Route 20 Western Ave

Staff Notes:

The applicant is proposing a three lot minor subdivision of 1.2 acres of land located in the Single Family Residential District (R15). Parcel A would consist of 0.45 acres of land and has frontage on Western Ave. Parcel B would consist of 0.35 acres of land and has frontage on Hanes Street. Parcel C would consist of 0.35 acres of land and would have frontage on Hanes Street. Public water and sewer are available to the property. As per the Short Environmental Assessment Form, no land disturbances are expected during the minor 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.

Case #: 13-220804039
Project Name: Lands of Duncan

Applicant: Gail Duncan
Project Location: 214 Altamont Road & Altamont Road
Municipality: Town of New Scotland
Parcel Size: 1.66 acres
Zoning: Residential Agricultural
Tax Map Number: 72.-1-7, 72.-1-8.2
Referring Agency: Town of New Scotland Planning Board

Considerations: Minor subdivision application to merge two parcels owned by the same owner. Both the parcels are undersized and will conform after merging is complete.

Action Type: Subdivision Review

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

Staff Notes: This is an application for consolidation of two abutting land parcel owned by Mrs. Duncan into one parcel. The parcels to be consolidated are tax parcels 72.-1-7 and 72.-1-8.2. No land disturbance are anticipation during the proposed action. The parcel at 214 Altamont Road consist of existing one-story frame house and garage.

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 #: 13-220804042
Project Name: Lands of Zumperini, Jackowski and Wyant

Applicant: Maura Mottolese
Project Location: Delaware Tpke & South Hill, 1780 Delaware Tpke
Municipality: Town of New Scotland
Parcel Size: 47.30 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 106.-2-28, 106.-2-24
Referring Agency: Town of New Scotland Planning Board

Considerations: Lot line adjustment to resolve the location of the septic system that partially encroached by the lands of Wyant.

Action Type: Lot Line Adjustment

Juris. Determinant: State Road
Potential Impacts: 443 Delaware Tpke

Staff Notes: The applicant proposes a lot line adjustment after the adjoining land owner of the parcel with tax ID 106.-2-24 installed a septic system partially on the applicant's property with tax ID 106.-2-28. Both parties in agreement are proposing a lot line adjustment where the land occupied by the septic system is conveyed to Wyant and in return, a parcel of 3,222.45 SF from the north end will be conveyed to Zamperini. No land disturbances are to occur during the lot line adjustment.

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 #: 13-220804038
Project Name: Lands of Cook

Applicant: Stephen Cook
Project Location: Font Grove Road
Municipality: Town of New Scotland
Parcel Size: 6.62 acres
Zoning: Medium Density Residential (MDR)

Tax Map Number: 73.-1-37.8
Referring Agency: Town of New Scotland Planning Board

Considerations: Minor subdivision application to divide 6.616 acres into two lots of 4.81 acres and 1.81 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road
Potential Impacts: CR 306 Font Grove Road

Staff Notes: The applicant proposes to divide the 6.616 acres parcel into two parcels that are on either side of the Font Grove Road and separated by 251'. Both the parcels are undeveloped. No land disturbances are anticipated during the minor subdivision. The two new parcels are to be 4.806 acres and 1.81 acres. This application was previously reviewed in April 2022 for lot line adjustment to add 1.81 acres from the parcel with Tax ID 73.-1-37.8 to the adjacent parcel with Tax ID 73.-1-37.4 owned by Kivort to create a 6.89 acre parcel with existing improvements. The Albany County Planning Board determination was, '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.'

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 #: 15-220804048
Project Name: Mulholland Variance

Applicant: Matthew Mulholland
Project Location: 319 Albany Hill Road (319 CR 361)
Municipality: Town of Rensselaerville
Parcel Size: 5.00 acres
Zoning: Rural Residential
Tax Map Number: 137.-1-26.3
Referring Agency: Town of Rensselaerville Zoning Board of Appeals

Considerations: Area variance to construct a 36' x 28' workshop.
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Action Type: Area Variance

Juris. Determinant: County Road, Agricultural District

Potential Impacts: CR 361 Albany Hill Road, Agricultural District, Historic District, NWI Wetlands

Staff Notes: The applicant is seeking a 25' variance relief for a proposed work shop construction. The location of the building is sought to be the only suitable area for construction. The proposed work shop is to be 36' x 28'.

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 concerns regarding these cases. Gary Ginsburg made a motion to accept the Staff Recommendation for **Case # 01-2201804034, 03-220804044, 04-220804035 (*with advisory added); 07-220804045, 10-220804043, 13-220804039, 13-220804042, 13-220804038 & 15-220804048.** The motion was seconded by Beth Lacey and was also approved by Brian Crawford and Gerry Engstrom.

At 3:48pm Travon Jackson joined the meeting and voted on all the remaining cases.

Case #: 01-220804032

Project Name: Accessory Parking Lot

Applicant: Ron Stein

Project Location: 48 Delaware Ave & 234 Myrtle Ave

Municipality: City of Albany

Parcel Size: 0.23 acres

Zoning: Mixed Use Community Urban & Historic Resources Overlay (MU-CU & HR-O)

Tax Map Number: 76.39-2-35, 76.39-2-1

Referring Agency: City of Albany Zoning Board of Appeals

Considerations: Area variance to allow the proposed parking to be located 390+/- feet away from the residential development whereas the maximum distance allowed is 300 feet. The two vacant lots are proposed to be developed at 48 Delaware Ave with one-story building and 16 parking spots.

Action Type: Area Variance

Juris. Determinant: State Road

Potential Impacts: 443 Delaware Ave, Historic District

Staff Notes: The applicant is looking to establish parking on two vacant lots to serve as the required off-street parking for a residential development located at the corner of Morris Street and Lark Street. Proposed parking requires an area variance since the lot is 390+/- feet away from the primary use to be served, where the maximum distance allowed is 300 feet. The development of the two vacant properties include one-story building which is to be developed at a later date at 48 Delaware Ave and 16 parking spots to be built and utilized now. The two lots are proposed to be consolidated before completion of the project.

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.

This case was pulled from the initial list of Defer to Local Consideration group as it warranted some discussion regarding the distances between the lots. Gopika Muddappa, Senior Planner mentioned that she had spoken to the City of Albany regarding this project and was able to discuss some of the specifics in detail. The Board reviewed the documents submitted. Dan Hershberg, of Hershberg and Hershberg was on the call for another case. He stated that this was not his project, but he did attend the City of Albany Meeting where it was discussed and was able to fill in some details about his understanding from that meeting. Ultimately, the Board determined that the Staff Recommendation of Defer to Local Consideration was appropriate.

Beth Lacey made a motion to accept the Staff Recommendation for Case **#01-220804032**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-220804033
Project Name: 42 Corporate Circle Warehouse

Applicant: IndusPAD-The Awakening LLC / Daniel R. Hershberg c/o Hershberg & Hershberg
Project Location: 38 Corporate Circle
Municipality: City of Albany
Parcel Size: 13.30 acres
Zoning: I-1 (Light, Industrial)
Tax Map Number: 41.00-2-60
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for construction of a 75,000 GSF warehouse with seven(7) loading docks and parking for 75 cars.

Action Type: Site Plan Review

Juris. Determinant: County Road
Potential Impacts: CR 155 New Karner Road

Staff Notes: The Applicant proposes to subdivide the existing 38 Corporate Circle into two lots. The existing building is to remain on the proposed No. 38 Corporate Circle which will consist of 9.85 acres of the existing 13.83 acre site. The balance of the site (3.68 acres) will make up the proposed No. 42 Corporate Circle. The applicant proposes to construct a 75,000± SF warehouse with seven (7) loading docks and 75 parking spaces including three(3) ADA handicapped. The building is proposed to be 44 feet in height. A cross easement will be maintained for access between the proposed No. 38 Corporate Circle and proposed No. 42 Corporate Circle. The proposed #42 Corporate Circle is currently occupied by pavement. For stormwater purposes this site is considered a Redevelopment site under SPDES GP #0-20-001. The proposed development is limited primarily to the pavement area. New pavement will be heavy duty asphalt standard pavement for a portion including truck access and maneuvering area. Balance of new pavement will be reconstructed as porous asphalt. The existing northern storm water infiltration basin serving primarily the proposed No. 38 Corporate Circle will be maintained through an easement. The southern infiltration basin will be maintained and cleaned. A new 6" water service and a new 6" sewer lateral will be provided. All new landscaping will be Pine Bush native species. A total of 2.9 acres of land disturbance is anticipated during the development.

Staff Opinion:

Modify local approval to include

1. Review by the Albany County Department of Health for the proposed water services and sewer and other required permits.
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-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
3. All easements should be recorded in the deeds of lands being subdivided for purposes of constructing the project.

The Board did not have any questions or comments regarding this case. Brian Crawford made a motion to accept the Staff Recommendation for Case #01-220804033. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 05-220804036
Project Name: Callanan Road Improvements Company

Applicant: Mike Groff
Project Location: 121 Jarvis Road and 123 Cr 101
Municipality: Town of Coeymans
Parcel Size: 256.50 acres
Zoning: Industrial
Tax Map Number: 143.-2-11, 143.-2-9
Referring Agency: Town of Coeymans Planning Board

Considerations: Three lot subdivision where Lot 1 is to be 5.15 acres, Lot 2 is to be 38.38 acres and Lot 3 to be 212.97 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road
Potential Impacts: CR 101, NWI Wetlands, Agricultural District

Staff Notes: The applicant proposes a three lot subdivision where Lot 1 and Lot 2 are to be donated to The Wetland Trust (TWT) in the future. The proposed

lot 1 to be 5.15 acres, Lot 2 to be 38.38 acres and Lot 3 to be 212.97 acres. No land disturbances are anticipated during the subdivision. As per the Environment Assessment Form, the proposed subdivision will not connect any existing water supply and waste water utilities not will require portable water and wastewater treatment.

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 applicant should be aware that the lot size for Lot #3 on Site Plan and municipal application does not match.

This case was originally missing the Ag Data Statement and therefore had a different Staff Recommendation. The Ag Data Statement was received just prior to the meeting as requested, so the Staff Recommendation was switched to Defer to Local Consideration with an Advisory Note regarding lot size (noted above).

Beth Lacey made a motion to accept the Staff Recommendation for Case #05-220804036. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #:

07-220804040

Project Name:

Sherwood Estates Conservation Subdivision

Applicant:

44 Sherwood, LLC

Project Location:

44 and 60 Sherwood Dr

Municipality:

Town of Colonie

Parcel Size:

31.30 acres

Zoning:

Single Family Residence/ Airport Business Area (SFR/ABA)

Tax Map Number:

30.2-2-2, 30.2-2-1

Referring Agency:

Town of Colonie Planning Board

Considerations:

Site plan review for merging of contiguous lots, 44 and 60 Sherwood Dr and development of 16 residential lots, one stormwater management parcel, one large conservation parcel and several open space parcels on 31.3 acres. Access to be provided via cul-de-sac off Sherwood Drive.

Action Type:

Site Plan Review

Juris. Determinant: Interstate Highway
Potential Impacts: I87 Adirondack Northway, NWI Wetlands

Staff Notes: Sherwood Estates Residential Conservation subdivision proposes 16 lots, one Stormwater Management parcel, one large conservation parcel and several open space parcels on 31.3± acres. The subdivision proposes one new cul-de-sac street off of Sherwood Drive to provide access to the lots. New municipal water and sanitary sewer facilities would be developed in the street and conveyed to the Town of Colonie. A Stormwater Management System would also be developed in the street and stormwater would be directed to a proposed infiltration basin on the property. The conservation subdivision proposes 19.1 acres or 61% of the property for perpetual conservation, excluding open space areas. The proposed lots are a minimum of 80' in width and 125' average minimum depth (10,000 S.F.) and are consistent with existing home lots located in the adjacent Beverly Park Residential Development. The lands comprising the proposed subdivision consists of two land parcels under common ownership by the project applicant. Property No. 44 Sherwood Drive (TLMP No. 30.01-2-2) consists of 8.2± acres and is zoned Single Family Residential (SFR). An adjacent and contiguous parcel known as St. No. 60 Sherwood Drive (TLMP No. 30.01-2-1) contains 23.1 acres and is zoned Airport Business Area (ABA). This latter parcel contains a portion of NYS Wetland N-3 as delineated by NYS Department of Environmental Conservation. The Wetland area within of No. 60 Sherwood Drive is proposed to be conveyed to the Town of Colonie for perpetual conservation. The proposed subdivision is expected to have visual impacts during the development and slight increase in traffic. Municipal water and sanitary sewer exists in Sherwood Drive at the frontage of the subdivision property and will be extended at the developer's expense to service the proposed 15 new homes. The proposed new street, Brookdan Court, is 850' long and will also be constructed at the developer's expense and conveyed to the Town for ownership. The proposed new homes would be one and two story in height and include an attached two car garage. These homes are estimated to be 2,000 S.F. in size and be of wood frame. This application (07-211103859) for an area variance for construction of 18 new homes of which seven (7) of them will be in Airport business Area zone and for adjacent property at No. 42 Sherwood Drive for existing accessory structure. the Albany County Planning Board determination was, 'Disapprove without prejudice

1. The Town should consider the public comments that is in opposition to the proposal and the adverse effects of the new development to the residential neighborhood.

- 2. In determining whether to grant an area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.
- 3. The area variance for the neighboring adjacent property without owner concept is highly irregular and legal suspect.
- 4. The owner of the affected property is in opposition to the variance and hence, the project leaves this request to nearly no other option than to disapprove.' A use variance to permit the proposed single family residential land use within the portion of the ABA zone due to the different zoning classification was granted to the applicant by the Town Zoning Board of Appeals on 12/21/21. As per the Short Environmental Assessment Form that was originally submitted in October 2021, a total of three acres of land disturbance is anticipated during the development.

Staff Opinion:

- Modify local approval to include
- 1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
 - 2. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.

The Board did not have any questions or comments regarding this case. Brian Crawford made a motion to accept the Staff Recommendation for Case #07-220804040. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 07-220804046
Project Name: Siena College - Addition
Applicant: Daniel R. Hershberg
Project Location: 515 Loudon Road
Municipality: Town of Colonie
Parcel Size: 156.90 acres

Zoning: Single Family Residential (SFR)
Tax Map Number: 43.2-1-12.1
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to meet the building height requirements where 40' is allowed and 62.25' is proposed.

Action Type: Area Variance

Juris. Determinant: Federal Highway
Potential Impacts: Route 9 Loudon Road, Historic District

Staff Notes: The proposal to construct a 14,431 SF footprint addition to an existing academic building, located in the Single Family Residential (SFR) zoning district, has a proposed building height of 62.25' where 40' is the maximum allowed as stated in the Town of Colonie Land Use Law. This building is proposed as an expansion to the existing Science Complex. The new State-of-the-Art Science Complexes will add approximately 54,076 SF of academic/common space over three floor (62.25') including associated support space proposed in a basement and rooftop penthouse. The project will include the merger of 11 Middlefield Drive with 515 Loudon Road creating a 159.79+/- acre parcel. As per the Short Environmental Assessment Form, the proposed development will result in 2.5 acres of land disturbance.

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 regarding this case. Beth Lacey made a motion to accept the Staff Recommendation for Case #07-220804046. The motion was seconded by Gary Ginsburg and was unanimously approved by the Board.

Case #: 10-220804037
Project Name: Climate Controlled Storage

Applicant: Guilderland Realty Partners
Project Location: 1583 Western Ave
Municipality: Town of Guilderland
Parcel Size: 1.98 acres
Zoning: Transit Oriented District
Tax Map Number: 52.14-3-20
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for construction of 93,600 +/- SF indoor climate-controlled self-storage facility.

Action Type: Special Use Permit

Juris. Determinant: Federal Highway
Potential Impacts: Route 20 Western Ave

Staff Notes: The applicant proposes to develop the project site with an approximately 93,600 GSF three-story indoor climate controlled self-storage facility. 14 parking is proposed per town code to support the proposed self-storage use. The property is currently owned by Crossgates Releaseco, LLC and the applicant has a contract to purchase a portion of the lands for the proposed facility. The project site lies in the Transit Oriented Development (TOD) zone and is currently vacant. 1583 Western Ave is approximately 2.80 acres and 1593 Western Ave (adjacent property) is 1.90 acres. Out of the 2.80 acres at 1583 Western Ave, approximately 2 acres are to be conveyed to the 1593 Western Ave parcel via lot line adjustment. Municipal water and sanitary sewer services are both available for the proposed development. The drainage from the site currently is managed by the stormwater systems that exist on western Ave. The proposed development will utilize the previous on-site soils to mitigate the stormwater generated from the proposed development. The project is expected to result in 1.60 acres of land disturbance. Since the development is located within Albany Pine Bush Study Area, landscaping will include native species plantings.

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.

Brian Crawford questioned whether 14 parking spaces would be enough for the size of the building. The Board determined that in this case they feel it would be sufficient. Gary Ginsburg made a motion to accept the Staff Recommendation for Case #10-220804037. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 10-220804047
Project Name: Kyle Trestick - Special Use Permit

Applicant: Kyle Trestick
Project Location: 7160 Rt 158
Municipality: Town of Guilderland
Parcel Size: 12.30 acres
Zoning: Rural Agricultural-3 (RA3)
Tax Map Number: 14.00-2-23
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for home occupation with a contractor yard for tree removal business.

Action Type: Special Use Permit

Juris. Determinant: State Road, Agricultural District
Potential Impacts: 158 Guilderland Avenue, Agricultural District, Historic District

Staff Notes: The applicant proposes to use the existing residential structures for single-family use and the existing storage buildings and contractor yard to be used for occupation of tree removal business. No land disturbance is to occur during the occupation. The garages, barn and storage trailer

will be used for equipment and supply storage, maintenance and repair, and as office space for the business.

Staff Opinion:

Modify local approval to include

1. An AG data sheet should be provided since the property is located in an Agricultural District as per Section 305-b of the New York State Agricultural and Markets Law.
2. The Albany County Planning Board expects an AG data sheet for this proposed action when the application is reviewed for site plan review in the future. The Albany County Planning Board also recommends that an AG Data sheet should be included in the application packet for all applications in the future that involve properties in or within 500' of an agricultural district. Without the AG data sheet, the application will be considered incomplete.

The Board discussed the importance of having an Ag Data Statement submitted for all cases that fall within 500' of an agricultural district (noted above as Modify # 2).

Beth Lacey made a motion to accept the Staff Recommendation (with the addition of Modify #2) for Case #10-220804047. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 13-220804041

Project Name: Lands of Mullaney

Applicant: Cynthia Elliot

Project Location: Unionville Feura Bush Rd

Municipality: Town of New Scotland

Parcel Size: 55.60 acres

Zoning: Residential Hamlet/ Residential Agricultural (RH/RA)

Tax Map Number: 107.-2-1.11

Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review to subdivide two (2) acres of land from 55.6 acres of vacant land to allow family members to construct home.

Action Type: **Subdivision Review**

Juris. Determinant: County Road

Potential Impacts: CR 308 Unionville Feura Bush Road, Agricultural District, NWI Wetlands (Riverine)

Staff Notes:

The applicant proposes to subdivide two acres from the existing 55.6 acre parcel for new home construction. The parcel is currently a vacant land. After subdivision parcel #1 will be 2 acres and parcel #2 will be 53.6 acres. The two acre lot will be in the water district and have public water. Private septic system will be constructed for the proposed dwelling. It has an approved driveway entrance from Albany County Highway Department on a previous subdivision. The second parcel is to remain vacant at present with an approved driveway entrance via right-of-way from an adjoining owner which has been constructed and is being used for access. Less than one acre of land disturbance is anticipated during the subdivision. This application (13-210203638) was previously reviewed in February 2021 for subdivision review to merge tax parcels 107.-2-1.12 & 107.-2-1.3 into one lot and lot line adjustment for Mullaney's and Ross's property. The Albany County Planning Board 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:

Modify local approval to include

1. Review by the Albany County Department of Health for the proposed septic and other required permits.
2. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.

Bill Anslow, Albany County Civil Engineer asked to add a modification indicating that a highway work permit will be required for this project (noted above as Modify #2).

Travon Jackson made a motion to accept the Staff Recommendation for Case #**13-220804041**. The motion was seconded by Beth Lacey and was unanimously approved by the Board.

This concluded the review of all submitted referrals for the August 18, 2022 meeting.

*At approx. 4:15 pm, Christopher Dempf of the Law offices of Tobin and Dempf, arrived at the meeting and inquired whether the Bethlehem Berm case had been already discussed. He was advised that it had. Mr. Dempf then stated that he had emailed documents for the Board to review regarding that case, however they were not received to either the Planning Board Contact email or the Senior Planner email address which are published on the Albany County Planning Board page (It was later determined that the email was sent to the DPW email address. It was found after the meeting, but had been sent at 3:20pm, 10 minutes prior to the meeting time and therefore there would not have been in time for the Board to review the documents). Mr. Dempf forwarded that email to the correct address and Lynn Delaney, Planning Board Secretary forwarded it to the Board members. The majority of the documents that were emailed pertained to the Wind

Turbine project which was not on the agenda this month. Mr. Dempf asked if he might address the Board as a citizen of Glenmont regarding the berm removal issue and was informed that the Board had already voted, but they would grant him a few minutes to speak about it. Attachment A is a letter that Mr. Dempf's office submitted to the Bethlehem School District on behalf of a group of Glenmont residents that Mr. Dempf is representing. Mr. Dempf stated that their concerns related to the proposed berm removal include the impacts of the proposed wind turbine factory on River Road. Specifically, he has concerns regarding traffic impacts on 9W. The landscaping of the berm affords privacy to Glenmont Elementary School students and parents. Air pollution, noise, lights etc. may be more noticeable with the berm removed. Mr. Dempf stated the berm should not be removed without substantial prior written notice, discussion and consideration by the Town of Bethlehem community.

Mr. Dempf then asked the Board if they would reconsider the vote and he was advised that the vote was completed earlier and would not be changed. Gerry Engstrom stated that when the berm was put in, it was for aesthetic reasons not due to a requirement in the code. Therefore we cannot tell the Town that they have to keep the berm as it is not within the ACPB purview.

Mr. Dempf then asked for a few more minutes of the Board members time to discuss the Wind Turbine project. Brian Crawford stated that the Wind Turbine Project was not on this month's agenda. Specifically he would like the ACPB to read the materials that were forwarded and slow things down. Mr. Dempf stressed that the "Town of Bethlehem Senior Planner who wears two hats, planning and economic development. Now I think that they are trying to hide that a little bit".

He mentioned that the ACPB reviewed this case in March of 2022 and wanted to know the status of the case after that review and inquired as to when we would see it again for site plan review. He was told that we had already reviewed that case twice and made a determination for site plan review at the December 16, 2021 meeting. Mr. Dempf commented that he was unaware of that, but that we should be aware that the project received approval on May 17, 2022, but on May 25th, it was mentioned that they need the engineer to make some additional changes to the bridge design and to the site plan. He said that these changes are mentioned in the Port minutes from that date. Bill Anslow asked Gerry Engstrom how it is handled if significant changes take place from the original plan that was submitted to us. Gopika Muddappa said that a Site Plan Amendment would need to be submitted. Gerry Engstrom said that the Albany County Attorney would need to advise us on this topic. Mr. Dempf said he has additional information he would like to share as the process continues and asked how he would do that. Gerry Engstrom replied that he can submit public comments to the Board to be added to the permanent record. If the ACPB finds that there is something that should be referred back to us, we will ensure that we consult the County Attorney for an opinion on how it should be handled. Mr. Dempf thanked the Board for giving him the opportunity to speak.

Unfinished Business: Albany County Planning Board Chairperson and Vice Chairperson Nomination and vote. The Albany County Attorney had recommended that the Planning Board nominate and vote for these positions when all 5 members were in attendance.

Travon Jackson made a motion to recommend that Gerry Engstrom move from the Interim Chairperson to the Chairperson of the Albany County Planning Board. The motion was seconded by Brian Crawford and was also approved by Gary Ginsburg and Beth Lacey.

Brian Crawford made a motion to recommend that Travon Jackson become the Vice Chairperson of the Albany County Planning Board. The motion was seconded by Beth Lacey and was also approved by Gary Ginsburg and Gerry Engstrom.

New Business: The next meeting of the Albany County Planning Board will be held on September 15, 2022 at 3:30pm.

Adjourn: Brian Crawford made a motion to adjourn at 4:54 pm.

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

ATTACHMENT A

MICHAEL L. COSTELLO
R. CHRISTOPHER DEMPFF

LAW OFFICES
TOBIN AND DEMPFF LLP

515 BROADWAY
ALBANY, NEW YORK 12207

Established 1915

CHARLES J. TOBIN, 1915-1954
CHARLES J. TOBIN, JR., 1940-1987
JAMES W. SANDERSON, 1965-1992
LOUIS DEMPFF, JR., 1955-2017

TELEPHONE: (518) 463-1177

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Via email
August 18, 2022

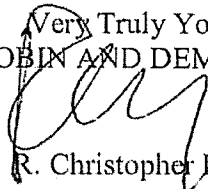
Albany County Planning Board
449 New Salem Road
Voorheesville, New York 12186

Re: Bethlehem Town Center II-SP Amendment for Removal for Landscaping

Ladies and Gentlemen:

Enclosed please find copy of our letter to the Town of Bethlehem Planning Board and School representatives. Please accept these comments into the record and our concerns on behalf of Glenmont Neighbors. Thank you for your attention to this matter. *Please confirm receipt.*

Very Truly Yours,
TOBIN AND DEMPFF, LLP


R. Christopher Dempf

RCD/cmd
Cc:

MICHAEL L. COSTELLO
R. CHRISTOPHER DEMPFF

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TELEPHONE: (518) 463-1177
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August 15, 2022

Holly Dellenbaugh, President of Bethlehem Central School District Board of Directors -
boe@bethlehemschools.org

Laura Heffernan- Principal of Glenmont Elementary lheffernan@bethlehemschools.org

Jody Monroe- Bethlehem School Superintendent districtoffice@bethlehemschools.org

700 Delaware Ave

Delmar, New York 12054

- RE: Proposal before the Bethlehem Planning Board to Eliminate the Route 9W Berm across from Glenmont Elementary School, etc., (on the Agenda for Discussion/ information)**
- RE: Proposed Wind Tower Factory located on Beacon Island, Glenmont, New York 12077; 80+ acres of property containing 2 million tons of Fly Ash contaminated property owned by the Albany Port District Commission adjoining the Hudson River, and Normanskill Creek (on the Agenda for May 17, 2022 minutes Approval)**

Dear Ms. Dellenbaugh, Ms. Heffernan, Ms. Monroe:

This office represents many concerned Glenmont residents. Glenmont Elementary School (where I had four children graduate) should be concerned about the proposed removal of the Glenmont, Route 9W Berm as impacted by the proposed wind tower factory on River Road (Beacon Island) located within one mile of the school as the bird-pollutant may fly. Other serious concerns are traffic congestion with purposed 550 new employees with heavy truck traffic during and after construction which will spill into all parts of the Town of Bethlehem and as well as Glenmont Elementary School, Glenmont and its residents. Last week some of our concerned citizens group made a presentation to the school district board and we have not heard a response what if anything the school district might be doing to alert parents, PTA groups, etc., of this proposed factory. See attached.

The school district, including the Glenmont school district should also be aware the proposed Planning Board Meeting scheduled for Tuesday, August 16, 2022, at 6:00pm at Town Hall at 445 Delaware Ave, at which time our Town Planning Board is likely to take action permitting the removal of the entire privacy berm and all landscaping and trees thereon resulting in a substantially unobstructed view from the corner of Bender Lane across the street from Glenmont Elementary School, north, past Taco Bell a distance of approximately three quarters of a mile. (see attached Planning Board Agenda). This landscaping berm affords privacy to Glenmont Elementary school, students and parents. The storefronts within the shopping center including Walmart, Lowes, and other shopping retail businesses

and restaurants including air pollution, noise, lights, etc., may be much more noticeable especially with substantial truck, trailer and car traffic from the proposed wind tower factory nearby. I am not aware of any direct outreach from the Town or these businesses to communicate this proposal to our Bethlehem Community.

Clearly, this berm was installed for many reasons beneficial to our Bethlehem Community and should not be removed without substantial prior written notice, discussion and consideration by our Town of Bethlehem Community including the interests of parents students, teachers, staff, and others in our community.

Please confirm receipt of this email. We enclose for your reference the Planning Board Agenda. My cell number is 518-364-6873 and my email is rcdempf@tdlaws.com if you would like to discuss this further. Thank you for your attention to this matter. Please note that the Planning Board Agenda Notice requires all comments and letters to be received no later than 3:00pm on the date of the meeting (Tomorrow August 16, 2022) so that as they are public for our Bethlehem Community review, discuss and consider. I would encourage all interested members of our Bethlehem Community and School District organizations to speak out, publically voice your concerns and participate in these very important community issues which may adversely affect our Bethlehem Community and its Bethlehem Heritage.

Very Truly Yours,
TOBIN AND DEMPf, LLP
R. Christopher Dempf

RCD/cmd

Enclosures

Cc: Bethlehem Heritage Keepers
Spotlight
Times Union
Town of Bethlehem Planning Board