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## **ACPB Meeting Minutes – September 15, 2022**

**NOTE:** The September 15, 2022 meeting of the ACPB was held in person at the Albany County DPW office in Voorheesville. The meeting was also available remotely via Microsoft Teams for the public to participate.

**Board Members Present:** Gerry Engstrom, Beth Lacey, Brian Crawford. Travon Jackson called into the meeting via Microsoft Teams and was advised that he could participate in discussions, but could not vote.

**Board Members Absent:** None. However, Travon Jackson was unable to vote on any of the Agenda Items.

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

**Minutes:** Lynn Delaney, Secretary

**Call to Order:** Gerry Engstrom called the meeting to order at 3:39pm.

Brian Crawford made a motion to approve the August 18, 2022 ACPB Meeting Minutes. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

## ACPB 9-15-22 Meeting Minutes (cont.)

Beth Lacey made a motion to move all referrals with a Staff Opinion of “Defer to Local Consideration” to the front of the agenda and vote on them as a group. Beth Lacey requested that Case # 01-220904050 – Delaware and Myrtle Site, be pulled from the list and voted upon separately and the other Board members agreed. The reasoning for this is that the Board felt that more discussion may be needed for this case before making a recommendation. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

<b>Case #:</b>	<b><u>01-220904049</u></b>
<b>Project Name:</b>	<b>303 Hudson Ave - Special Use Permit</b>
<b>Applicant:</b>	Vincent Marrone
<b>Project Location:</b>	303 Hudson Avenue
<b>Municipality:</b>	City of Albany
<b>Parcel Size:</b>	0.03 acres
<b>Zoning:</b>	Townhouse (R-T)
<b>Tax Map Number:</b>	76.24-4-45
<b>Referring Agency:</b>	City of Albany Planning Board
<b>Considerations:</b>	Special use permit for conversion of an existing townhouse from two dwelling units to three dwelling units.
<b>Action Type:</b>	<b>Special Use Permit</b>
<b>Juris. Determinant:</b>	County Property
<b>Potential Impacts:</b>	Historical District
<b>Staff Notes:</b>	The applicant proposes to convert the existing two family home into three-family home with minimal alterations to the property. No construction is proposed and parking is available on street. The current owner occupies two floors as one residence. With this proposal, each floor will continue to be three individual residence. No land disturbances are expected during the conversion.
<b>Staff Opinion:</b>	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 #:** 04-220904052  
**Project Name:** Bethlehem Children's School-Use Variance to expand on a Non-Conforming use

**Applicant:** Bethlehem Children's School  
**Project Location:** 12 Fisher Blvd  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 3.95 acres  
**Zoning:** Residential A  
**Tax Map Number:** 84.12-2-3.1  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Use variance to expand on the existing non-conforming use to make the temporary yurts into permanent classrooms and expand on the use of the school.

**Action Type:** Use Variance

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

**Staff Notes:** The applicant requests for an area variance relating to the 1,000-foot distance limit to specified intersections in Zoning Law § 128-27(D)(2) related to the adaptive reuse of a residential structure. In the alternative, a use variance permitting BCS to operate an educational institution at its current property is requested. Under Article XIII, Use and Area Schedules, Section 128-99, an Educational Institution is not an allowed use in a Residential A Zoning District. Additionally, under Article II, General Provisions, Section 128-9 B, Buildings, an existing non-conforming use cannot be expanded upon. The permanent addition of the yurts, other out-buildings shown on the submitted plan and the expansion of the parking lot are all considered to be an expansion of the use. Site improvements also include expansion of parking lot and construction of self-contained washrooms. Less than one are of land disturbance is anticipated during the proposed action.

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

**Case #:** 04-220904053  
**Project Name:** **Haggerty-Fence Variance**  
  
**Applicant:** Nancy Haggerty  
**Project Location:** 36 Crannell Ave  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 0.25 acres  
**Zoning:** Core Residential  
**Tax Map Number:** 86.06-2-21  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance to replace existing 6' fence with lattice work and for minimum setback of 15' from the determined front yard property line.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 443 Delaware Ave

**Staff Notes:** The applicant proposes to replace the existing 6' wooden fence with the new fence which is also 6' including lattice work on the top. An area variance is required to replace the sign. As per the Town Code, fences not exceeding 6' may be located in the front yard and the fence should have a minimum setback of 15' from the determined front yard property line.

**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 #:** 04-220904054  
**Project Name:** **Lands of Nigel and Guinevere Gorman-Rezone from Residential "A" to Rural Hamlet Zoning District**

**Applicant:** Guinevere and Nigel Gorman  
**Project Location:** 895 Delaware Ave  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 1.20 acres  
**Zoning:** Residential A  
**Tax Map Number:** 95.00-4-6  
**Referring Agency:** Town of Bethlehem Legislative Board

**Considerations:** Rezoning of property to continue residential apartments on the upper floor and use the lower floor for commercial use. The uses are allowed in the Rural Hamlet District subject to site plan review by the Town Planning Board. The property is currently zoned Residential A.

**Action Type:** Rezoning

**Juris. Determinant:** State Road

**Potential Impacts:** 443 Delaware Ave, FEMA Floodzones, Agricultural District

**Staff Notes:** The applicants propose the rezone of the existing property from Residential A to Rural Hamlet Mixed Use to use the first floor as commercial space and the second floor as residential apartments. The property is located at 895 Delaware Avenue along the north side of Delaware Avenue across from the Bethlehem YMCA. The applicants seek to combine their two business of Grace Roofing and Redemption Dance Institute into this location and utilize the surrounding area around the building for parking. 33 parking spaces including ADA spaces are proposed for the mixed use. The site currently contains a converted residential structure with additions that were used for commercial uses including a restaurant and tanning salon, along with apartment units. In 2021, the applicant (Gorman) purchased the property with the intention of rehabbing the building for commercial occupancy. However, since the property is located in a residential zone they are unable to proceed with a commercial use. The applicant's proposal and request is to rezone the property to Rural Hamlet District for the purpose of operating a mix of uses including two apartments, dance studio, and office for a roofing contractor. These uses would be allowed in the Rural Hamlet zoning district subject to site plan review by the Town Planning Board. The recently adopted Comprehensive Plan Update identified the future land use of this area as Hamlet Mixed Use to provide for a mix of residential and commercial uses. The request to rezone to Rural Hamlet zone is consistent with the future land use map.

**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 #:** 07-220904055  
**Project Name:** Amendment to Local Zoning Law - Town of Colonie

**Applicant:** Town of Colonie Attorney's Office  
**Project Location:** Town of Colonie  
**Municipality:** Town of Colonie  
**Parcel Size:** N/A N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Amendment to Town Code Section 190-21, Table of Permitted Uses to include "Short-Term Rentals" and "Cannabis Retail" and to designate where these establishments may be permitted to operate.

**Action Type:** Amendment to Local Law

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

**Staff Notes:** A local law amending Chapter 190, Section 190-21 of the Code of the Town of Colonie to update the Table of Permitted Uses. The Table will include Short-Term Rentals and Cannabis Retail and establish zoning districts that allow the use. The Town Board determined this amendment to be a Type 1 action and the local law shall take effect upon filing in the Office of the Secretary of State.

**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 #:** 10-220904056  
**Project Name:** 5640 Depot Road - Special Use Permit Amendment

**Applicant:** Helderberg Roof Consultants  
**Project Location:** 5640 Depot Road  
**Municipality:** Town of Guilderland  
**Parcel Size:** 12.48 acres  
**Zoning:** Industrial  
**Tax Map Number:** 61.00-1-26.3

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

**Considerations:** Amendment to a special use permit to include office space to a cold storage warehouse.

**Action Type:** **Special Use Permit (Amendment)**

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 208 Depot Road, FEMA Floodzones, Agricultural District

**Staff Notes:** The applicant proposes to include an office within the existing warehouse as an update to the current building use. The office is proposed to be located within the West Morton building. No land disturbance is anticipated during the proposed action. The proposed office will connect to the existing water and septic system. The proposed action will include office spaces, reception and bathrooms.

**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 questions or concerns regarding any of the cases. Brian Crawford made a motion to accept the Staff Recommendation for Case #01-220904049, 04-220904052, 04-220904053, 04-220904054, 07-220904055 & 10-220904056. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** 01-220904050  
**Project Name:** Delaware and Myrtle Site

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

**Considerations:** Site plan review and special use permit for the development of two vacant properties with proposed 16 parking spots. Lots to be consolidated before completion of project.

**Action Type:** Site Plan Review, Special Use Permit

**Juris. Determinant:** State Road

**Potential Impacts:** 443 Delaware Ave, Historic District

**Staff Notes:** The applicant proposes the development of two vacant properties with proposed one-story building, that is to be developed at a later date, with 16 parking spots to be utilized immediately located on the corner of Delaware Avenue and Myrtle Avenue. Lots are to be consolidated prior to completion of the project. Fencing is proposed around perimeter of parking lot per City Code. Less than one acre of land disturbance is anticipated. This application (01-220804032) was reviewed by the Albany County Planning Board in August 2022 for an 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 ACPB 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.

**Advisory Note:** 1. The City should clarify the proposed height of the fence with the applicant whether it is 4' or 6'.

Beth Lacey had requested this be pulled from the grouping of Defers so they could review the Site Plan more closely. Once they reviewed the documents, a decision was made to keep the recommendation as a Defer to Local Consideration, but to add an Advisory Note that mentions clarification of the fence height (noted above as Advisory #1) because it is listed as 4ft on one document and 6ft on another document.

With the Advisory note added, Beth Lacey made a motion to accept the Staff Opinion for Case #01-220904050. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.



**Case #:** 07-220904057  
**Project Name:** Philips Medical Systems - Concrete Pad & Dumpster

**Applicant:** Philips Medical Systems MR, Inc.  
**Project Location:** 450 Old Niskayuna Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 26.80 acres  
**Zoning:** Airport Business Area (ABA)  
**Tax Map Number:** 18.-3-24.2  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review to install necessary asphalt and concrete pads which are utilized during the manufacturing of MRI equipment.

**Action Type:** Site Plan Review

**Juris. Determinant:** Airport  
**Potential Impacts:** Albany International Airport, Old Niskayuna Road

**Staff Notes:** The applicant proposes the addition of a Nitrogen Management Area and Waste Management Area. These proposed improvements will provide necessary areas to complete the operations conducted at the site during the manufacturing of MRI equipment. The Waste Management Area will be developed in an area that is currently paved while the Nitrogen Management Area will require the installation of an asphalt pad and concrete pad as shown in the site plan. The proposed development does not expect any impacts to the adjacent properties in terms of noise, visual, and drainage. The proposed area of site development is located on an existing area that is fully developed with asphalt pavement and will only create a minor amount of additional impervious area to accommodate the new asphalt and concrete pads for the Nitrogen Management Area. The stormwater runoff is proposed to be directed to the existing detention basin. The parcel consists of ACOE jurisdictional wetlands but none of these existing systems will be disturbed by the proposed improvements. Less than one acre of land disturbance is anticipated during the development.

**Staff Opinion:** Modify local approval to include  
1. Review by the FAA and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.

2. Comply with Occupational safety and Health Administration (OSHA) regulations to ensure safe working conditions since the proposed action involves working with Nitrogen.

**Advisory Note:**

1. If there is an active SWPPP for this project, it should be amended to show the proposed addition of impervious surface.

Brian Crawford made a motion to accept the Staff Recommendation for Case #07-220904057. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

It was later determined that the word “Review” should be replaced by the word “Comply” in the recommendation.

**Case #:** 08-220904058  
**Project Name:** 1691 Central Ave - Cabinets-To-Go  
**Applicant:** F9 Properties, LLC  
**Project Location:** 1691 Central Ave  
**Municipality:** Village of Colonie  
**Parcel Size:** 0.43 acres  
**Zoning:** Commercial A  
**Tax Map Number:** 29.20-1-50  
**Referring Agency:** Village of Colonie Planning Board

**Considerations:** Site plan review for conversion of autobody shop into a retail store including site improvements for parking, access and landscaping.

**Action Type:** Site Plan Review

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

**Staff Notes:** The applicant is proposing site work that include demolition of interior related items to the previous auto repair shop and construction of new interior with partitions and ADA restrooms. Site modifications include new storefront, repainting of existing building and clean up of existing landscaping, grounds and parking lot. The new tenant for the retail store is Cabinets-to-go National Kitchen Cabinet retailer. Less than one acre of land disturbance is anticipated. The retail store will connect to 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 any change of use or expansion of an existing development on a state highway.

Beth Lacey made a motion to accept the Staff Recommendation for Case #08-220904058. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 04-220904059  
**Project Name:** **Plug Power Testing Facility-Site Plan(Change of Use)**  
**Applicant:** Plug Power, Inc.  
**Project Location:** 435 Creble Rd  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 8.30 acres  
**Zoning:** Heavy Industrial  
**Tax Map Number:** 120.00-5-2  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan review for change of use proposing to lease the existing building and an approximately 1.35 acres portion of the site to conduct performance testing of units manufactured elsewhere. Leased site includes a 14,990 SF building and existing paved area.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 55 Creble road

**Staff Notes:** Plug Power, Inc. proposes to lease the existing building and an approximately 1.35 acres of portion of the 8.45 acre site at 435 Creble Road. On this site, Plug Power, Inc. proposes to conduct performance testing of its stationary power units, which will be manufactured elsewhere. No manufacturing will take place at this site. The leased site will include an existing 14,990 SF building which was previously occupied by Security Supply and has existing paved area. The site is zoned for Heavy Industrial and this is a permitted use. No site modifications or building modifications are proposed. This is a change of use only. Gaseous Hydrogen will be used at the site in DOT approved tube trailer and these tubes are to be rotated into and out of the site as they will be

refilled elsewhere. Once a unit has completed its performance testing, it will be loaded onto a truck and shipped to the end user. No units are to be stored onsite. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). Existing private water and sewer systems are to be reused.

**Staff Opinion:** Modify local approval to include  
1. Comply with Occupational Safety and Health Administration (OSHA) regulations to ensure safe working conditions since the proposed action involves working with gaseous hydrogen.

Gopika Muddappa, Senior Planner commented that she spoke with Town of Bethlehem Planning Director Rob Leslie about their process of review when a substance like hydrogen is on site. He clarified that everything is reviewed by the Fire Dept. prior to being sent to the ACPB. In addition, Dan Hershberg or Hershberg and Hershberg commented that this is his project and all OSHA regulation are followed. The Board determined that they still want to list the Modification that mentions OSHA, but will change the wording from “Review” by OSHA... to “Comply with” OSHA regulations.... (noted above).

With that change noted, Beth Lacey made a motion to accept the Staff Recommendation for Case #04-220904059. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 04-220904060  
**Project Name:** Site Plan Amendment - Pedestrian Bridge for Vista Tech Site  
**Applicant:** Vista Development Group, LLC  
**Project Location:** 125 Vista Blvd  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 214.00 acres  
**Zoning:** Mixed Economic Development District  
**Tax Map Number:** 74.00-1-29.1  
**Referring Agency:** Town of Bethlehem Planning Board  
**Considerations:** Site plan amendment to include a pedestrian bridge connecting two parking fields. The proposed pedestrian bridge has been designed to not have any regulated impacts to wetlands.  
**Action Type:** Site Plan Amendment  
**Juris. Determinant:** State Road, Municipal Boundary

**Potential Impacts:** Route 85, Intermunicipal Boundaries of Town of Bethlehem and Town of New Scotland, FEMA Floodzone

**Staff Notes:** The Project Site is located at the end of Vista Boulevard and is currently under construction under the original site plan approval for a Technology Based Business Project (TBBP) comprising 350,000 square feet of office, manufacturing and warehouse space facility. The proposed improvement under this site plan amendment includes a pedestrian bridge that would connect two parking fields to provide for a more direct and safer route to the facility and eliminate the need for employees to walk from the remote parking field on Vista Boulevard to the Facility. The proposed pedestrian bridge has been designed to not have any regulated impacts to wetlands. The application packet includes addendum to Storm Water Pollution Prevention Plan (SWPPP) that addresses the changes required by the inclusion of a pedestrian bridge and connecting walking path. Albany County Planning Board previously reviewed this application for site plan review for the tech based project of 350,000 SF of office, manufacturing and warehousing space 37' height with 26 loading docks and subdivision review for 214 acres with 26 acres to be subdivided. This application was also reviewed for area variance to allow construction of 350,000 SF facility with a 0' rear lot line where 40' was required. Both the application (04-211203877 & 04-211203876) were reviewed in December 2021 and the 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-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Notification of the application should be sent to the Town of New Scotland, including all required notices pursuant to GML §239-nn.
3. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
4. A maintenance agreement must be developed for all Stormwater Management Practices and implemented by the site owner once the site has been developed.
6. Once the site is developed, the daily operations may require coverage under SPDES Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-17-004).
7. Notification to the local fire department for review and comment on emergency access and the emergency plan.' An advisory note was also

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

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

Brian Crawford made a motion to accept the Staff Opinion for Case #04-220904060. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** 07-220904061  
**Project Name:** Christian Brothers Academy - Multi-use Athletic Dome & Single-story Entry Building

**Applicant:** Christian Brothers Academy  
**Project Location:** 12 Airline Dr  
**Municipality:** Town of Colonie  
**Parcel Size:** 84.75 acres  
**Zoning:** Office Residential (OR)  
**Tax Map Number:** 30.-2-6.44  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the proposed new multi-use 217.33' x 313.33' athletic dome with a 3000 SF single-story entry building. Area variance is also requested for the proposed square footage and maximum height of the athletic dome.

**Action Type:** Site Plan Review, Area Variance

**Juris. Determinant:** Municipal Boundary  
**Potential Impacts:** Intermunicipal Boundaries of Town of Colonie and Village of Colonie, Historical District, NWI Wetlands, FEMA Floodzones

**Staff Notes:**

The project involves the construction of a 217.33' x 313.33' multi-use sports dome and entry building for the Christian Brothers Academy (CBA) on their Albany, NY campus. The purpose of the dome is to provide an indoor practice facility for various school athletics programs during inclement weather. The dome is to be a pressurized air structure and will house a 200m 4-lane track with synthetic turf area on the infield along with an area for weightlifting, pole vault, long/triple jump areas, and room for basketball court and/or wrestling mats. No new parking is proposed for this project since the dome will simply provide an indoor venue for events and activities which already occur on the campus, but are typically at the mercy of weather conditions. The proposed entry building is anticipated to be approximately 3,000 SF and will have restrooms and a large lobby. As per the Short Environmental Assessment Form (SEAF) no land disturbance are anticipated during the construction. The proposed multi-use dome and the single-story entry building has a square footage of 71,776 SF where a maximum of 30,000 SF is allowed and a height of 65' where a maximum height of 40' is allowed as per the Town Land Use Law. The existing CBA campus is a private school for grades 5-12 that is comprised of 126.75 acres of land containing the main school building, a residence building for the brothers, and a small concession building for the football field/track area along with several exterior athletic fields. A new stormwater conveyance network is proposed to be installed to convey runoff from the proposed building to a new stormwater management practice and eventually discharge to onsite wetlands.

**Staff Opinion:**

Modify local approval to include

1. The project should be first reviewed for an area variance for its compliance with the Town's Land Use Law considering the request for the relief of significant square footage and height requirements. This application is sent for both area variance and site plan review simultaneously. All future applications should be first sent to review variance to assess zoning compliance and then proceed with site plan review.
2. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources as indicated on Short Environmental Assessment Form (SEAF).
3. Review by the FAA and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.

Bill Anslow, Albany County Civil Engineer, commented that the Albany County Airport should be notified because the height of the building will be 65' (noted above as Modification #3).

With that modification added, Beth Lacey made a motion to accept the Staff Recommendation for Case #07-220904061. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 10-220904062  
**Project Name:** **24 unit Multiple-Residence Development**

**Applicant:** Zelindo Viscusi (Crossgates Mall Releaseco, LLC)  
**Project Location:** 2 Crossgates Mall Rd  
**Municipality:** Town of Guilderland  
**Parcel Size:** 1.54 acres  
**Zoning:** Transit Oriented District (TOD)  
**Tax Map Number:** 52.01-1-7  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Site plan review for the proposed 24 unit multiple-residence community with 2,800 square feet management office and gym, along with maintenance garage on 1.54 acres in the Transit Oriented Development (TOD) District.

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

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

**Staff Notes:** The applicant proposes to construct a four-story apartment building with 24 apartment units and covered parking on the ground floor and attached one-story management and gym building. Additionally a detached tenant and maintenance garage, surface parking, landscaping along Crossgates Mall Road and utilities connecting the Town's sewer system and water are also proposed. Access to the site will be provided via Lehner road. The site will consist of 61 parking spaces exceeding the Town's minimum parking requirements. 26 spaces will be covered by the building. A total of 1.55 acres of land disturbance is anticipated during the development as per the Short Environmental Assessment Form (SEAF) and a Stormwater Pollution Prevention Plan (SWPPP) has been provided to the Albany County Planning Board. The Albany Pine Bush Preserve Commission (APBPC) does not anticipate that the implementation of the proposed site plan would result in potentially significant negative impacts on protection of the preserve. The parcel is currently vacant.



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

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
2. Notification to the local fire department for review and comment on emergency access and the emergency plan.
3. Since the project is located within the Albany Pine Bush Study Area, the Albany County Planning Board encourages inclusion of native plants and vegetation to benefit the Albany Pine Bush ecology.

**Advisory Note:** 1. The Albany County Planning Board advises that the cross easement should be acquired prior to final approval.

Brian Crawford asked if Jim Mearkle, Albany County Traffic Engineer reviewed this referral and Bill Anslow indicated that he had. There was significant discussion and a review of both the Site Plan and Google Maps. A decision was made to add an advisory mentioning the need for a cross easement (noted above as Advisory # 1).

With the Advisory note added, Beth Lacey made a motion to accept the Staff Recommendation for Case # 10-220904062. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 10-220904063  
**Project Name:** Detailed Dog  
**Applicant:** Emily Cohen  
**Project Location:** 2093 Western Ave  
**Municipality:** Town of Guilderland  
**Parcel Size:** 3.80 acres  
**Zoning:** Light Business (LB)  
**Tax Map Number:** 51.02-1-17  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit for conversion of a medical office to a dog grooming facility.

**Action Type:** Special Use Permit

**Juris. Determinant:** State Road  
**Potential Impacts:** Route 20 Western Ave, NWI Wetlands

**Staff Notes:** This is a special use permit where the applicant proposes to convert the currently operating medical office into dog grooming services managed one on one by the owner. The only employee would be the owner. A small part of the space will be utilized as office/reception area with potential retail.

**Staff Opinion:** Modify local approval to include  
1. Review and permits by New York State Department of Transportation for commercial property development plans involving any change of use or expansion of an existing development on a state highway.

Brian Crawford made a motion to accept the Staff Recommendation for Case #10-220904063. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** 10-220904064  
**Project Name:** Sandell - Special Use Permit  
**Applicant:** SJM Realty  
**Project Location:** 310 Wayto Rd  
**Municipality:** Town of Guilderland  
**Parcel Size:** 11.20 acres  
**Zoning:** Industrial (IN)  
**Tax Map Number:** 15.00-2-3  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit for construction of a pre-manufactured 10,800 SF warehouse, extension of water main to the main building, paved parking and truck maneuvering space.

**Action Type:** Special Use Permit

**Juris. Determinant:** State Road, Municipal Boundary  
**Potential Impacts:** I90 NYS Thruway, Intermunicipal Boundaries of Town of Guilderland and Schenectady County

**Staff Notes:** The applicant proposes to construct a 10,800 SF one-story warehouse which will be used by future tenants. A new water main will be constructed to the proposed building from an existing main on the extension of Nancy Lane. The new parking lot will provide parking for 72 cars. Development will also include landscaping, a subsurface sanitary sewer system to permit use of offices in the warehouse and a storm water management system. The site is currently occupied by a

manufacturing facility, adjunct buildings and storage yards. Total acreage of land disturbance is anticipated to be 1.98 acres. The proposed action is proposed to connect to the existing water supply but will require a new septic system for waste water utilities.

**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 by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
3. Notification of the application should be sent to the County of Schenectady, including all required notices pursuant to GML §239-nn.

Beth Lacey made a motion to accept the Staff Recommendation for Case #10-220904064. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 15-220904065

**Project Name:** DeFayette Subdivision

**Applicant:** Joanne DeFayette

**Project Location:** 389 CR 361

**Municipality:** Town of Rensselaerville

**Parcel Size:** 80.00 acres

**Zoning:** Agricultural/Rural Residential (A/RR)

**Tax Map Number:** 137.-1-20

**Referring Agency:** Town of Rensselaerville Planning Board

**Considerations:** Subdivision review to create two parcels consisting 5.22 acres and 76.23 acres from the existing 81.45 acres lot.

**Action Type:** Subdivision Review

**Juris. Determinant:** County Road, Municipal Boundary

**Potential Impacts:** CR 361, Agricultural District, NWI Wetlands, Intermunicipal Boundaries of Town of Rensselaerville and Town of Westerlo

**Staff Notes:** The applicant proposes to subdivide 81.45 acres into two lots for residential purposes. Lot 1 is to consist 5.22 acres and Lot 2 is to consist 76.23 acres. No land disturbances are to occur during the subdivision. The parcel will connect to existing water and waste water utility connections.

**Staff Opinion:** Modify local approval to include  
1. Notification of the application should be sent to the Town of Westerlo, including all required notices pursuant to GML §239-nn.  
2. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties since the existing driveway on Lot 1 extends into Lot 2.

The Board discussed the need for a shared access agreement (noted above as Modification #2) to be added. With that change noted, Brian Crawford made a motion to accept the Staff Recommendation for Case #15-220904065. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** 18-220904066  
**Project Name:** Shepard Farm/ Trysor LLC  
**Applicant:** Trysor LLC  
**Project Location:** 6844 State Route 32  
**Municipality:** Town of Westerlo  
**Parcel Size:** 87.39 acres  
**Zoning:** Rural development/ Agricultural (RD/A)  
**Tax Map Number:** 176.-1-14.1  
**Referring Agency:** Town of Westerlo Planning Board

**Considerations:** Special use permit to operate retail sales in existing building.

**Action Type:** Special Use Permit

**Juris. Determinant:** County Road, State Route  
**Potential Impacts:** CR 405, State Route 32, Agricultural District, NWI Wetlands

**Staff Notes:** The applicant is seeking a special use permit to convert an existing three bay garage into a retail space for the sale of collector and vintage item. This is an allowed use with a special use in RD/A zone as per the zoning section 8.4(3)b. No land disturbance is expected for the proposed use.

The retail space will not connect to any water or waste water connections. Bottles of water are to be provided and porta-potties are proposed.

**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.

Beth Lacey made a motion to accept the Staff Recommendation for Case #18-220904066. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 18-220904067  
**Project Name:** Winnie Subdivision  
**Applicant:** Kim Winnie  
**Project Location:** 6648 St Rte 32, 6628 St Rte 32  
**Municipality:** Town of Westerlo  
**Parcel Size:** 8.40 acres  
**Zoning:** RD/A  
**Tax Map Number:** 176.-1-3.10, 176.-1-20.1  
**Referring Agency:** Town of Westerlo Zoning Board of Appeals

**Considerations:** Area variance to build new apartment complex.

**Action Type:** Area Variance

**Juris. Determinant:** State Route  
**Potential Impacts:** State Route 32, Agricultural District, NWI Wetlands

**Staff Notes:** A minor subdivision is being proposed to create a new lot for the apartment complex now located on two lots with tax ID 176.-1-3.10 and 176.-1-20.1. 13 dwelling unit will be on this new lot. The proposed new lot size will be 8.4 acres for the apartment complex and the required lot size by zoning is 11.8 acres. The applicant is seeking relief of 3.4 acres from the required minimum square footage for two-family and multiple dwelling in the RD/A zone per the zoning code section 8.40(4)b. As per the Short Environmental Assessment Form (SEAF) no land disturbance are anticipated.

**Staff Opinion:**

Defer to local consideration

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

Gopika mentioned that she spoke with the Town Planner from Westerlo earlier today and clarified the specifics regarding this case. She stated that this isn't actually building something new, it is to subdivide the existing parcel.

The decision was made by the Board to switch this from a Modify to a Defer to Local Consideration. Brian Crawford made a motion to accept the Staff Recommendation for Case #18-220904067. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Unfinished Business:**

None

**New Business:**

The ACPB is in need of another Planning Board Member due to the resignation of Gary Ginsburg.

The next meeting of the Albany County Planning Board will be at 3:30 PM on October 20, 2022 at the DPW office in Voorheesville.

The Board discussed the requirements for Board Meetings as outlined in Albany County Local Law G. Lynn and Gopika mentioned that they have drafted a list of questions for the County Attorney to get clarification on what the Board needs to do going forward.

Board Members were reminded that they are required to complete 4 hours of training per year. The CDRPC is holding a conference at HVCC on October 28, 2022. If any Board members would like to attend, they need to let Gopika know and she will sign them up.

Beth Lacey asked what trainings are acceptable. Lynn Delaney, Board Secretary will send out the specifics of the training requirements to the Board.

Adjourn: Brian Crawford made a motion to adjourn at 4:48pm.

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

