



**DANIEL P. MCCOY**  
COUNTY EXECUTIVE

COUNTY OF ALBANY  
PLANNING BOARD  
449 NEW SALEM ROAD  
VOORHEESVILLE, NEW YORK 12186  
PHONE (518) 655-7932 FAX (518) 447-7047

**GERALD ENGSTROM JR.,**  
AICP  
CHAIRPERSON

**TRAVON T. JACKSON**  
VICE CHAIRPERSON

## **ACPB Meeting Minutes – January 19, 2023**

**NOTE:** The January 19, 2023 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.

**Board Members Absent:** Travon Jackson (attended via Microsoft Teams but was unable to vote)

**Albany County Public Works Office:** Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; James Mearkle, Traffic Engineer; Anton Konev, Albany County Comptroller's Office, Ex-Officio; Sameer Modasra, Albany County Dept. of Management and Budget, Ex Officio.

**Guests:** Nancy Kupiec, agent for See the Moon, LLC. Attending to comment/answer questions regarding Case #10-230104154 – 16 Senior Apartments.

**Minutes:** Lynn Delaney, Secretary

**Call to Order:** Gerry Engstrom called the meeting to order at 3:33pm.

**Vote for Meeting Minutes:** Due to the absence of Travon Jackson, the Board was unable to vote on the October 2022 and December 2022 Meeting minutes. Brian Crawford made a motion to approve the November 2022 Meeting Minutes. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

## **ACPB January 19, 2023 Meeting Minutes (cont.)**

Beth Lacey made a motion to move all the cases with a Staff Recommendation of Defer to Local Consideration to the front of the agenda and vote on them as a group. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom. The Board determined that Case #18-230104142, Clickman Road Subdivision and 18-230104143, Hunter/Tarbox Subdivision will be pulled from this list as they will need further discussion. Both cases were submitted by the Town of Westerlo.

**Case #:** **01-230104130**  
**Project Name:** **38-42 Corporate Circle - Area Variance**

**Applicant:** Hershberg & Hershberg  
**Project Location:** 38 - 42 Corporate Circle  
**Municipality:** City of Albany  
**Parcel Size:** 13.40 acres  
**Zoning:** Light Industrial (I-1), Pine Bush Overlay (PB)  
**Tax Map Number:** 41.00-2-60, 41.00-2-63  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance for the construction of a storage and wholesale distribution facility with a 24 ft setback where a 150 ft setback is required.

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

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

**Staff Notes:** The application proposes to construct a 75,000 GSF storage and wholesale distribution operation with seven loading docks and parking for 60 cars. An area variance is required to allow building to be constructed with offsets of 24 ft to 29.1 ft from undeveloped property. This project (01-220804033) was previously reviewed by Albany County Planning Board in August 2022 for Site plan review for construction of a 75,000 GSF warehouse with seven(7) loading docks and parking for 75 cars. The ACPB determination was, '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.'

**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 application should always be sent for variance review before site plan review to assess the zoning compliance of the proposed project. This application was sent for a site plan review in August 2022.

**Case #:**

**01-230104131**

**Project Name:**

**722 Western Ave -Area Variance**

**Applicant:**

David Sowinski

**Project Location:**

722 Western Ave

**Municipality:**

City of Albany

**Parcel Size:**

0.19 acres

**Zoning:**

Residential, Single-Family, Medium Density (R1-M)

**Tax Map Number:**

64.41-1-54

**Referring Agency:**

City of Albany Zoning Board of Appeals

**Considerations:**

Area variance to construct a 6 foot tall fence within 10 feet of a driveway.

**Action Type:**

**Area Variance**

**Juris. Determinant:**

Federal Highway

**Potential Impacts:**

Route 20 Western Ave

**Staff Notes:**

The applicant proposes to install a fence located within 10 feet of a driveway on an adjacent lot with 6 feet height. As per the Section 375-406(7)C(iv), fences and walls shall comply with vision clearance

requirements, as established by Section 375-406(9), where located on a corner lot and if located within 10 feet of a driveway on an abutting lot, shall not exceed three feet in height for the portion within 10 feet of the right-of-way.

**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 #:** 01-230104132  
**Project Name:** Destination Kia

**Applicant:** Hershberg & Hershberg  
**Project Location:** 788 Central Ave (Rear 740 Central Ave)  
**Municipality:** City of Albany  
**Parcel Size:** 0.27 acres  
**Zoning:** Mixed-Use Community Highway (MU-CH)  
**Tax Map Number:** 64.28-1-37  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance for installation of new signage as part of corporate rebranding. A total of six variances are requested.

**Action Type:** Area Variance

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

**Staff Notes:** Destination Kia is proposing to update the existing signage as part of their corporate rebranding. The existing signs do not comply with the USDO and therefore the new sign requires variances. Six variances have been requested in total. 1) Per the City Code, one sign per premise is allowed whereas the applicant proposes three wall signs. 2) A maximum of 32 SF is the allowed square footage for wall signs whereas the applicant proposes to reduce the existing Kia logo from 81.28 SF to 52.13 SF. 3) The existing 76.72 SF Destination signage will be replaced with 80.78 SF which is over the required 32 SF. 4) The existing free standing sign is requested to be the only free standing sign on the premises where

one free standing sign per street frontage is required. 5) Free standing signs are allowed a maximum height of 8 feet whereas a total of 30 feet is proposed. 6) free standing signs are allowed a maximum area of 64SF whereas 300 SF of pylon area and 13.89 SF of logo area is proposed.

**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 seeks multiple area variances. The City Zoning Board of Appeals should consider the precedent setting nature of allowing significant area variances to the sign code in the MU-CH zoning district.

**Case #:** **01-230104133**  
**Project Name:** **Sunoco Sign**  
**Applicant:** Karen Green Lee  
**Project Location:** 442 Madison Avenue  
**Municipality:** City of Albany  
**Parcel Size:** 0.33 acres  
**Zoning:** Mixed-Use Neighborhood Center (MU-NC)  
**Tax Map Number:** 76.23-2-25  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to alter the existing non-conforming pole sign whereas the pole signs are not a permitted use in the MU-NC district.

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

**Juris. Determinant:** Federal Highway  
**Potential Impacts:** Route 20 Madison Ave, Historic District

**Staff Notes:** The applicant proposes to alter the existing non-conforming pole sign whereas non-conforming signs cannot be redesigned or altered in any way.

**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 #:** 04-230104134  
**Project Name:** **T-Mobile Telecommunication Tower Extension**

**Applicant:** T-Mobile Northeast LLC  
**Project Location:** 457 Route 85, Slingerlands  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 18.44 acres  
**Zoning:** Commercial Hamlet  
**Tax Map Number:** 74.00-1-24.1  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan review and special use permit to collocate antennas/communication equipment at existing monopine tower.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** NYS Route 85

**Staff Notes:** Applicant T-Mobile proposes to collocate its antennas and communication equipment at the existing monopine tower, which is a monopole tower with stealth concealment in the form of artificial branches which disguises tower as a pine tree. The existing monopole steel is 113ft. tall and will require a 10ft. extension to allow for the collocation of Applicant's antenna equipment. The proposed extension will also have artificial branches for concealment of the proposed antenna equipment. Applicant's installation will consist of (9) antenna and (6) remote radio units, together with cabling on a new antenna mount. Applicant also proposes to install electronics equipment, associated supporting equipment and a diesel generator with fuel tank on a proposed 10'x15' concrete pad to be installed within the exiting fenced tower compound. Applicant will connect its proposed equipment to existing public utilities at the subject property through new buried conduit connections. Less than one acre of land disturbance is anticipated.

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

have significant countywide or intermunicipal impact.

**Case #:** 05-230104135  
**Project Name:** **Amendment of Town Code Chapter 165**

**Applicant:** Town of Coeymans  
**Project Location:** Town of Coeymans  
**Municipality:** Town of Coeymans  
**Parcel Size:** N/A N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Town of Coeymans Legislative Board

**Considerations:** Amendment of Town Code Chapter 165-3 entitled "Definitions" to include new definitions for (1) Trucking Terminal and (2) Fuel Storage Terminal and amendment of Chapter 165, Attachment 5 entitled "Schedule of District Zoning Regulations" to regulate said land uses.

**Action Type:** **Amendment of Local Law**

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

**Staff Notes:** Chapter 165-3 of the Code of the Town of Coeymans is proposed to be amended to add the definitions of "Fuel Storage Terminal" and "Trucking Terminal", and to authorize the allowable and permitted districts for the siting of Trucking Terminals and Fuel Storage Terminals in the Town of Coeymans.

**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 #:** 07-230104136  
**Project Name:** **Charging Station**

**Applicant:** Jon Clark (Agent for BBL, Construction Services, LLC)  
**Project Location:** 2233 Central Ave

**Municipality:** Town of Colonie  
**Parcel Size:** 3.52 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 16.7-8-5  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Area variance and use variance for the installation of stand alone electric vehicle charging station.

**Action Type:** Area Variance, Use Variance

**Juris. Determinant:** State Route, Municipal Boundaries  
**Potential Impacts:** 5 Central Ave, Intermunicipal Boundaries of Town of Colonie and County of Schenectady

**Staff Notes:** The proposed construction of an accessory structure (charging station) at an existing auto sales dealership, located in the Commercial Office Residential (COR) zoning district has a front yard setback of 13.776 ft where a minimum of 20ft is required. The proposed accessory structure is not a permitted use in the front yard as per the Town of Colonie Land Use Law. As per the Short Environmental Assessment Form, less than one acre of land disturbance is to occur during the installation.

**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 #:** 07-230104137  
**Project Name:** Crumitie Micro

**Applicant:** Cellco Partnership ( Verizon Wireless)  
**Project Location:** 2 Crumitie Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 0.54 acres  
**Zoning:** Single Family Residential (SFR) District  
**Tax Map Number:** 54.2-2-40  
**Referring Agency:** Town of Colonie Zoning Board of Appeals



**Considerations:** Special use permit to install small cell antenna and electric and telecommunications equipment on the proposed utility tower at a minimum height of 8' above grade.

**Action Type:** **Special Use Permit**

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

**Staff Notes:** The applicant proposes the installation of an unmanned public utility/personal wireless service facility (a communications facility) on a replacement utility pole at the above premises. The applicant proposes to install: 1) a single, small cell antenna mounted one replacement 38.5'± utility pole at a maximum height of 41.8' above ground level; and 2) installation of electric and telecommunications equipment on the proposed utility pole at a minimum height of 8' above grade. The property is located in the Town of Colonie road right-of-way adjacent to 2 Crumitie Road near the intersection of Crumitie Road and Loudon Road, Town of Colonie. Upon completion, the proposed facility will provide additional wireless network bandwidth and improved performance within 1/4 to 1/3 miles of the intersection of Crumitie Road and Loudon Road in the Town of Colonie.

**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 #:** **07-230104138**  
**Project Name:** **Lacy Lane Micro**

**Applicant:** Cellco Partnership ( Verizon Wireless)  
**Project Location:** 369 Albany Shaker Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 0.92 acres  
**Zoning:** Single Family Residential (SFR) District  
**Tax Map Number:** 54.2-4-1.2  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Special use permit to install small cell antenna and electric and telecommunications equipment on the proposed utility tower at a minimum height of 8' above grade.

**Action Type:** Special Use Permit

**Juris. Determinant:** State Route  
**Potential Impacts:** 151 Albany Shaker Road, Historic District

**Staff Notes:** The applicant proposes the installation of 1) a single, small antenna mounted on a replacement 38.5 utility pole at a minimum height of 41.8' above ground level and 2) installation of electric and telecommunications equipment on the proposed utility pole at a minimum height of 8' above grade. The property is located in the County of Albany road right-of-way adjacent to 369 Albany Shaker Road near the intersection of Albany Shaker Road and Hunts End Lane, Town of Colonie. Upon completion, the proposed facility will provide additional wireless network bandwidth and improved performance within 1/4 to 1/3 miles of the intersection of Albany Shaker Road and Hunts End Lane in the Town of Colonie. The proposed communications facility is unmanned and will be visited for routine maintenance purposes approximately 2–3 times per year as needed.

**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 #:** 07-230104139  
**Project Name:** Three Accessory Structures  
**Applicant:** Yates Scott Lansing  
**Project Location:** 244 Wolf Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 0.75 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 30.4-1-11  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Use variance for the proposed three accessory structures to be located in the front yard of the parcel.

**Action Type:** Use Variance

**Juris. Determinant:** Federal Highway  
**Potential Impacts:** I87 Adirondack Northway

**Staff Notes:** The proposed construction of three accessory structures (trellis/canopy) in a front yard, located in the Commercial Office Residential (COR) Zoning district, have a front yard set back of 1 feet where a minimum of 20 feet is required. The proposed structure are not a permitted use in the front yard in a COR district as per the Town of Colonie Land Use Law.

**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 #:** 10-230104154  
**Project Name:** 16 Senior Apartments

**Applicant:** Nancy Kupiec (Agent for See The Moon LLC)  
**Project Location:** 3 Cerone Commercial Dr  
**Municipality:** Town of Colonie  
**Parcel Size:** 1.80 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 42.1-1-32  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Area variance for the proposed mixed-use residential/commercial renovation which has a density of 3,977 SF where a total of 10,395 SF is required.

**Action Type:** Area Variance

**Juris. Determinant:** State Road  
**Potential Impacts:** Wolf Road

**Staff Notes:** The proposal for a mixed-use residential/commercial renovation that received Town variance approval previously for 16 senior apartment units has a commercial density of 3,977 SF of which 2,094 SF is offices

for the center that oversees the senior apartments and the remaining 1,219 SF is rental spaces. Whereas a total of 10,395 SF of commercial density is required as per the Town of Colonie Land Use Law. This application (07-220403970) was previously reviewed by the Albany County Planning Board in April 2022 for site plan review for construction of 16 one-bedroom apartment units and 4,000+/- SF of commercial space as an addition to the existing building. 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 Albany County Planning Board advises that the application should always be sent for variance review before site plan review to assess the zoning compliance of the proposed project. This application was sent for a site plan review in April 2022.

Nancy Kupiec (Agent for See the Moon, LLC) was in attendance at the meeting. Gerry Engstrom asked if she wanted to comment on this case prior to the vote. She stated that she did not have anything to add, but did have a drawing of the Building that she shared with the Board (Attachment A).

**Case #:** 10-230104140  
**Project Name:** 1232 Western Ave - Area Variance  
**Applicant:** Melody Gong  
**Project Location:** 1232 Western Ave  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.42 acres  
**Zoning:** General Business (GB)  
**Tax Map Number:** 63.08-4-7  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Area variance for the installation of freestanding sign within a required front setback.

**Action Type:** Area Variance

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

**Staff Notes:** The applicant proposes the installation of a freestanding sign that is 3'x4'x12' within 5' of the property line whereas the signs are required to be located at 20' from the property line. Therefore, an area variance is required.

**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 #:** 10-230104155  
**Project Name:** The Scene Sign

**Applicant:** Infamous Graphics  
**Project Location:** 1671 Western Avenue  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.56 acres  
**Zoning:** Transit Oriented District (TOD)  
**Tax Map Number:** 52.14-1-9  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Area variance for installation of a monument sign within the required setback.

**Action Type:** Area Variance

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

**Staff Notes:** The applicant proposes to install a monument sign within the required setback. The proposed internally illuminated monument sign size is 5'x5'.

**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 #:** 13-230104141  
**Project Name:** **Solar Law Update - Town of New Scotland**

**Applicant:** Town of New Scotland  
**Project Location:** Town of New Scotland  
**Municipality:** Town of New Scotland  
**Parcel Size:** N/A N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Town of New Scotland Legislative Board

**Considerations:** Amendment of local law in the Town of New Scotland regarding Solar Energy Collector Facilities.

**Action Type:** **Amendment of Local Law**

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

**Staff Notes:** The Town of New Scotland proposes to amend Chapter 190, Section 190-58 (B) of the Town Zoning Law, entitled "Definitions Applicable to Solar Energy Collectors" to include definitions of Active Agricultural Land, Agrovoltaic, Native Perennial Vegetation, and Tree Survey. The original Solar Law included restrictions in the "Siting Considerations" section that prohibited development of solar projects on properties with "prime soils" and properties with mature forests. The Town also determined that the presence of trees on a parcel should not preclude siting a project in locations that would not adversely impact mature forests. The Town, however, does not want to provide an incentive for developers to remove mature forests before applying for a solar 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.

Brian Crawford commented that it appears that the Town of New Scotland is trying to clear up wording to make things more understandable and specific.

**Case #:** 18-230104144  
**Project Name:** **Sharkey Subdivision**

**Applicant:** Frank Sharkey  
**Project Location:** Cty Rte 403  
**Municipality:** Town of Westerlo  
**Parcel Size:** 9.00 acres  
**Zoning:** Residential District  
**Tax Map Number:** 175.-1-44  
**Referring Agency:** Town of Westerlo Planning Board

**Considerations:** Two lot minor subdivision of the existing 9 acres into 3.63 acres and 5.38 acres.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** County Route, Agricultural District  
**Potential Impacts:** CR 403

**Staff Notes:** The applicant proposes a two-lot minor subdivision of the existing 9 acres. Proposed Lot#1 to be 5.38 acres and Lot #2 to be 3.63 acres. No land disturbances are indicated as per the Short Environmental Assessment Form.

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

Brian Crawford made a motion to accept the Staff Recommendation for Case # 01-23010404130, 01-230104131, 01-23010404132, 01-230104133, 04-23010404134, 05-230104135, 07-230104136, 07-230104137, 01-230104138, 07-230104139, 10-230104154, 10-230104140, 10-230104155, 13-230104141 & 18-230104144 . The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** 18-230104142  
**Project Name:** **Clickman Road Subdivision**

**Applicant:** Henry Whipple  
**Project Location:** CR 408  
**Municipality:** Town of Westerlo  
**Parcel Size:** 49.99 acres  
**Zoning:** Residential District  
**Tax Map Number:** 150.-1-3.2  
**Referring Agency:** Town of Westerlo Planning Board

**Considerations:** Three-lot minor subdivision of 50 acres of land to be sold as vacant lands.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** County Route, Agricultural District  
**Potential Impacts:** CR 408, CR 413

**Staff Notes:** The applicant proposes to divide the existing 50 acres of land into three parcels to be sold as vacant lots. No new houses or construction is proposed. Lot 1 to be 8.097 acres, Lot 2 to be 21.630 acres and Lot 3 to be 20.261 acres. No land disturbances are indicated as per the Short Environmental Assessment Form.

**Staff Opinion:** Modify local approval to include  
1. The Albany County Planning Board recommends the applicant to locate driveway and access via Clickman Road only.

Brian Crawford said that he had some concerns about how steep the slope is and the potential for runoff onto CR 408. The Board determined that they wanted to add a modification that the applicant should locate the driveway via Clickman Road only (noted as Modification #1 above) as the materials submitted weren't clear as to the location of the driveway.

With that modification added, Beth Lacey made a motion to accept the Staff Recommendation of Modify Local Approval (from the original Staff Recommendation of Defer to Local Consideration) for Case #18-230104142. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.



**Case #:** **18-230104143**  
**Project Name:** **Hunter/Tarbox Subdivision**  
**Applicant:** Kristen Hunter  
**Project Location:** 68 Cty Rte 413  
**Municipality:** Town of Westerlo  
**Parcel Size:** 35.26 acres  
**Zoning:** Residential District  
**Tax Map Number:** 138.-2-31  
**Referring Agency:** Town of Westerlo Planning Board

**Considerations:** Two lot subdivision of 35.26 acres into 17.633 acres each.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** County Route, Agricultural District  
**Potential Impacts:** CR 413

**Staff Notes:** The applicant proposes the subdivision of 35.26 acres into two lots. Both Lot 1 and Lot 2 are to be 17.633 acres. Both the lots are to be used for residential purposes. Lot 1 will be have access via Goodfellow Road and Lot 2 will have access via County Route 413. Less than one acre 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.

**Advisory Note:** 1. The Albany County Planning Board advises the Town of Westerlo to be aware of the existing non-complaint driveway to the old existing structure on Lot 2.

The Board had questions about the Abandoned Home on the property and determined that they can still have this case as a Defer to Local Consideration but an advisory should be added related to the driveway to the Abandoned Home on Lot 2. With that advisory added Brian Crawford made a motion to accept the Staff Recommendation for Case #**18-230104143**. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** 06-230104145

**Project Name:** **Patio Construction - Water View Apartments**

**Applicant:** Aker Companies

**Project Location:** 100 Waters View Circle

**Municipality:** City of Cohoes

**Parcel Size:** 15.06 acres

**Zoning:** Waterfront Mixed-Use (MU-2)

**Tax Map Number:** 11.9-1-16.11

**Referring Agency:** City of Cohoes Planning Board

**Considerations:** Site plan review for the construction of lower patio with fire pit, stone dust pathway in a dog pack and a kayak launch.

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

**Juris. Determinant:** Municipal Boundary

**Potential Impacts:** Intermunicipal Boundaries of City of Cohoes and County of Saratoga, FEMA Floodzone, NWI Wetlands, Historic District

**Staff Notes:** The applicant proposes to construct a lower patio with fire pit, stonedust pathway to the proposed fenced dog park and a kayak launch. Less than one acre of land disturbance is anticipated as per the Full Environmental Assessment Form. The proposed kayak launch in Mohawk River will require minimal fill to place landing for dock and kayak launch attachment.

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

1. Notification of the application should be sent to the County of Saratoga, including all required notices pursuant to GML §239-nn.
2. The proposed location is located in the NYS Heritage Area: Hudson-Mohawk and Mohawk Valley Heritage Corridor as mentioned in the Full Environmental Assessment Form (FEAF). Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources.

**Advisory Note:**

1. The Albany County Planning Board advises the applicant to obtain any permits required by NYS Department of Environmental Conservation for the kayak launch.

Brian Crawford asks if contacting DEC to see if permits are required should be added to the recommendation. The Board decided to add it as an Advisory Note (noted above as Advisory Note #1).

Beth Lacey made a motion to accept the Staff Recommendation for Case #~~06-230104145~~. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** **07-230104146**  
**Project Name:** **George's Market & Nursery**

**Applicant:** George Vogt III  
**Project Location:** 240 Wade Road Ext  
**Municipality:** Town of Colonie  
**Parcel Size:** 9.40 acres  
**Zoning:** Office Residential (OR)  
**Tax Map Number:** 19.1-1-13.1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site Plan Review for the proposed new parking lot area with approximately 1,500 SF of impervious surface.

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

**Juris. Determinant:** Interstate Highway  
**Potential Impacts:** I87 Adirondack Northway

After reviewing all documents submitted, the Board determined that there were too many measurement discrepancies between the various documents received. Specifically the dimensions of the culverts and the Wetland disturbance measurements. The Board asked Gopika Muddappa, Albany County Senior Planner, to send this case back to Colonie with a request to resubmit this case for review. In addition to clarification on the measurements the Board also requested that a narrative be provided.

This case will be reviewed and a voted upon at the next meeting if the updated documents are received by the referral deadline (2/6/23).

**Case #:** 07-230104147  
**Project Name:** Lands of Siena College

**Applicant:** Siena College  
**Project Location:** 11 Middlefield Dr & 515 Loudon Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 161.60 acres  
**Zoning:** Single Family Residential (SFR) District  
**Tax Map Number:** 43.2-1-11, 43.2-1-12.1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Subdivision review to merge the parcels 11 Middlefield Drive and 515 Loudon Road creating a single parcel consisting of 159.79 acres for the expansion the existing Science Complex.

**Action Type:** Subdivision Review

**Juris. Determinant:** Federal Highway  
**Potential Impacts:** Route 9W, Historic District

**Staff Notes:** The applicant proposes to merge 11 Middlefield Drive with 515 Loudon Road creating one parcel consisting 159.79 acres. The purpose of this proposed action is to expand the existing Science Complex (Morrell Science Center and Roger Bacon Hall). The new State-of-the-Art Science Complex will add approximately 54,076+/- SF academic/common space over three floors (62' height) including associated support space proposed in a basement and rooftop penthouse. The project is anticipated to result in a total of 2.5 acres of land disturbance as per the Short Environmental Assessment Form. A new SWPPP basin is to be constructed and connected to the storm sewers that discharge into the existing drainage course. As per the project narrative no site or buildings currently on the New York State of National Register if Historic Places are within the Project Limit Line.

**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.

Beth Lacey made a motion to accept the Staff Recommendation for Case #07-230104147. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 07-230104148

**Project Name:** **Tidal Wave Auto Spa**

**Applicant:** New Potato Creek Holdings, LLC

**Project Location:** 1384 Central Ave

**Municipality:** Town of Colonie

**Parcel Size:** 1.50 acres

**Zoning:** Commercial Office Residential (COR)

**Tax Map Number:** 42.17-6-35

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

**Considerations:** Site plan review for the proposed redevelopment of existing Scottish Inn Motel into Tidal Wave Auto Spa car wash facility.

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

**Juris. Determinant:** State Road

**Potential Impacts:** 5 Central Ave

**Staff Notes:** The applicant proposes the redevelopment of the existing Scottish Inn Motel into a Tidal Wave Auto Spa car wash facility which will include construction of approximately 3,620 SF. New construction and site improvements include car wash tunnel, covered vacuum spaces, new utilities, stormwater mitigation, new concrete pavement and curbing, removal of existing access drive, new landscaping, site lighting and landscaping. As per the Full Environmental Assessment Form (FEAF), total acreage to be physically disturbed is 1.3 acres. Based on ITE Trip Generation, the maximum PM peak hour would be 39 entering/39 exiting. This is an increase of 36 trips in the PM peak hour compared to the existing motel use. The majority of this traffic is anticipated to be pass-by trips. The existing property has two full access driveways to Central Ave whereas the proposed development will have one full access

driveway to Central Ave and one exit only driveway to Central Ave. The proposed building will be one-story and 19'-9" in height. The existing Motel is to be demolished and removed. This project (07-221204119) was previously reviewed by the Albany County Planning Board in December 2022 for area variance for relief of the required 200 feet setback requirement for the proposed construction of 3,620 SF car wash facility. The ACPB determination was, 'Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.' with advisory note, '1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.
2. The Albany County Planning Board advises the Town that consideration should be given to additional drainage at the end of the car wash and at the exit onto Central Avenue to catch excess water runoff on the property side of the sidewalk.'

**Staff Opinion:**

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
2. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.

**Advisory Note:**

1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.

Brian Crawford made a motion to accept the Staff Recommendation for Case #**07-230104148**. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** **07-230104149**

**Project Name:** **Vanara Hotel**

**Applicant:** Reddy Rathnaker (Vanara Property, LLC)

**Project Location:** 686 Troy Schenectady Road

**Municipality:** Town of Colonie

**Parcel Size:** 10.47 acres

**Zoning:** Airport Business Area (ABA) & Commercial Office Residential (COR)

**Tax Map Number:** 19.3-2-1.1

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

**Considerations:** Site plan review for the construction of 12,500 SF four-story hotel with 126 parking spaces and site improvements.

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

**Juris. Determinant:** State Road

**Potential Impacts:** 7 Troy Schenectady Road

**Staff Notes:** Vanara Properties, LLV is proposing to improve the currently undeveloped lot located at 686 Troy Schenectady Road with a Hotel. The proposed Hotel will include four-stories, 122 rooms, an approximate building footprint of 12,500 SF and 126 parking spaces. The proposed hotel improvements also include driveway access, sidewalks, and site utilities such as sanitary sewer, water, fire suppression, stormwater management, electric and gas connections. A total of 2.5 acres of land is anticipated to be disturbed. The site will be accessed via two existing right-in/right-out driveways off of Route 7. As per the Full Environmental Assessment Form (FEAF) stormwater runoff will be collected via storm drain inlets and conveyed via storm piping to an underground stormwater infiltration and detention system. Stormwater will infiltrate into subsurface soils and will also be released to the ground surface less than or equal to predevelopment runoff rates. Stormwater runoff will discharge to ground surface which includes an onsite Palustrine Forested wetland. Reciprocal easement agreement is in place between the proposed lot and the adjacent lot (650 Troy Schenectady Road) for driveway access as mention in the site plan set.

**Staff Opinion:**

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
2. 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. Review by the FAA (Form 7460-1 available from [www.faa.gov](http://www.faa.gov)) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.
4. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
5. 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.

Beth Lacey made a motion to accept the Staff Recommendation for Case #07-230104149. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

<b>Case #:</b>	<b>07-230104150</b>
<b>Project Name:</b>	<b>Wetherby Court Subdivision</b>
<b>Applicant:</b>	Marini Land II, Inc
<b>Project Location:</b>	645 Boght Road
<b>Municipality:</b>	Town of Colonie
<b>Parcel Size:</b>	13.86 acres
<b>Zoning:</b>	Single Family Residential (SFR) District
<b>Tax Map Number:</b>	9.2-1-10.2
<b>Referring Agency:</b>	Town of Colonie Planning Board



**Considerations:** Site plan review and subdivision review for the development of 13 residential lots along an extension of Wetherby Court.

**Action Type:** **Site Plan Review, Subdivision Review**

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

**Staff Notes:** The applicant proposed to subdivide the existing 13.86 acres parcel into 13 residential lots in conformance with the Town Single Family Residential (SFR) zoning requirements. A new roadway with municipal infrastructure required to provide the new homes with municipal water and sanitary sewer services are also proposed. A total of 5.32 acres of land disturbances to occur during the proposed action. Stormwater management for the proposed development will entail the capturing of the runoff and directing it into a closed drainage system that will be discharge into a stormwater management practice in accordance with the NYSDEC Stormwater Design Manual and the Town of Colonie requirements for new development. The parcel is currently vacant.

**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.

Beth Lacey made a motion to accept the Staff Recommendation for Case #**07-230104150**. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** **07-230104151**  
**Project Name:** **Saber Apartments**

**Applicant:** SASI Properties, LLC  
**Project Location:** 1867-1875 Central Ave  
**Municipality:** Town of Colonie  
**Parcel Size:** 2.40 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 29.10-1-16  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for construction of two, two-story apartment buildings containing 8 apartments each for a total of 16 apartments with associated parking and driveway.

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

**Juris. Determinant:** State Road, Municipal Boundary  
**Potential Impacts:** 5 Central Ave, Intermunicipal Boundaries of Town of Colonie and Village of Colonie

**Staff Notes:** The property owner proposes to remove the mobile homes and redevelop the rear portion of the property with market rate apartments. This is a proposal to use the property from commercial parcel to a mixed use parcel. Two two-story apartment buildings, each building containing eight apartments are proposed. Each unit will be two-story apartment with one car garage and driveway. The apartments would be serviced by municipal water and sanitary sewers and the existing on-site infrastructure would be modified/ relocated to efficiently service the new development. The development would also include a children's playground area and a pergola covered area for picnic tables and barbecue grills. Each apartment will be approximately 1,300 SF. The following waiver have been requested to the Town of Colonie: 1) existing 15 parking spaces to remain along the front of the building, 2) front yard parking setback waiver, 3) front yard setback from NYS Route 5, 4) green space reduction, 5) Parking waiver and 6) Residential Density. A total of 1.75 acres of land is to be disturbed during the construction.

**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 Village of Colonie, including all required notices pursuant to GML §239-nn.

4. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed use of existing driveway on the property of 1867 Central Avenue for the proposed 16 new apartments.

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

Jim Mearkle, Albany County Traffic Engineer questioned whether this is considered a Change of Use. The Board determined they wanted to add a modification to have a DOT review (noted above as modification #5).

With the additional modification Beth Lacey made a motion to accept the Staff Recommendation for Case # **07-230104151**. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

<b>Case #:</b>	<b><u>10-230104152</u></b>
<b>Project Name:</b>	<b>Laviano Mixed-Use Building</b>
<b>Applicant:</b>	Christopher Laviano
<b>Project Location:</b>	1859-1871 Western Avenue
<b>Municipality:</b>	Town of Guilderland
<b>Parcel Size:</b>	0.96 acres
<b>Zoning:</b>	Local Business/ Business Non-Residential Professional District (LB/BNRP)
<b>Tax Map Number:</b>	52.09-1-37, 52.09-1-36, 52.09-1-34, 52.09-1-40
<b>Referring Agency:</b>	Town of Guilderland Zoning Board of Appeals
<b>Considerations:</b>	Special use permit for the construction of the mixed use building and an addition to the existing retail building for additional tenants in the Local Business/ Business Non-Residential Professional (LB/BNRP) zoning district. Area variance for the front yard and rear yard building setback for the proposed construction.

**Action Type:** Area Variance, Special Use Permit

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

**Staff Notes:** The applicant proposes to construct an 8,512 SF addition to the existing 1,134 SF liquor store which will house a new retail tenant and five office tenants on the ground floor. A 4,587 SF second story is proposed over the BNRP porting of the site which will house four residential dwelling units. Currently, Laviano Wine & Liquor is located at 1871 Western Ave. The owner of the property owns the adjacent three lots to the east, 1869, 1859 and 1859 Western Ave as well as the service alley to the north. The small wood-framed residences/business located at 1869, 1865 & 1859 Western Ave will be removed. Lots 1871 & 1869 are located in the Local Business (LB) district while lots 1865 & 1859 are located in the Business Non-Residential Professional (BNRP) district. The service alley lot to the north is located in the Single-Family Residential (R-15) district. The owner also proposed lot line adjustment to create one lot totaling 41,700 SF or 0.9573 acres. The proposed mixed use building is an allowed use with a special use permit in the BNRP district. Retail is an allowed use in LB district with a maximum GFA of 20,000 SF. Per the definition of mixed-use building, neighborhood, only two dwelling units are allowed per building. The proposed fire walls within the BNRP zone breaks the building into separate buildings to allow two dwelling units per building. The parking will be located in the front of the building on Western Ave and a total of 36 parking is required and is proposed including five ADA parking spaces. A new curb is proposed on Western Ave. Stormwater is directed from the asphalt parking area into catch basins and then distributed through infiltrator chambers under the parking area into the soil. Less than one acre of land is anticipated to be disturbed. The proposed mixed-use building has existing water and waste water utility connections.

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

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
2. The applicant proposes that 0.7036 acres of land will be physically disturbed during construction. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should land disturbances exceed one acre,

including submission of a Notice of Intent filed with the New York State Department of Environmental Conservation (NYS DEC) affirming that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and is being implemented, or submission of a SWPPP that is consistent with the requirements included in the NYS DEC SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020).

**Advisory Note:**

1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.
2. The infiltration system should be dependent on the ground water elevation.

Brian Crawford made a motion to accept the Staff Recommendation for Case #10-230104152. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** 10-230104153

**Project Name:** **Eggcellent**

**Applicant:** Eason Cheung

**Project Location:** 2 Alton Road

**Municipality:** Town of Guilderland

**Parcel Size:** 0.41 acres

**Zoning:** Local Business (LB)

**Tax Map Number:** 52.14-2-22

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

**Considerations:** Special use permit for change of tenancy from a salon to a bubble tea shop.

**Action Type:** **Special Use Permit**

**Juris. Determinant:** Federal Highway

**Potential Impacts:** 20 Western Ave

**Staff Notes:** The applicant proposes the change of tenancy from a salon to a Bubble Tea store. This is an allowed use with a special use permit.

**Staff Opinion:** Modify local approval to include  
1. Review by the Albany County Department of Health for food service and other required permits.

Brian Crawford made a motion to accept the Staff Recommendation for Case #10-230104153. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Case #:** **02-230104158**  
**Project Name:** **CM Fox Living Solutions LLC Major Subdivision**

**Applicant:** CM Fox Living Solutions LLC  
**Project Location:** 139 Western Ave  
**Municipality:** Village of Altamont  
**Parcel Size:** 12.70 acres  
**Zoning:** Residential (R-15)  
**Tax Map Number:** 37.14-3-6.1  
**Referring Agency:** Village of Altamont Planning Board

**Considerations:** Site plan review and subdivision review for the development of 11 residential lots. Area variance for the Lots 5,6,7 and 8 for the required road frontage.

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

**Juris. Determinant:** State Road, Municipal Boundary  
**Potential Impacts:** 397 Western Ave. Intermunicipal Boundaries of Village of Altamont and Town of Guilderland, FEMA Floodzone

**Staff Notes:** The property owner is proposing to subdivide a 13.01-acre parcel into eleven single family residential lots (one existing single-family home and ten proposed single family homes). The property is currently occupied by a single-family residential house, the land is predominantly brush. The proposed lots shall be serviced with public water and sewer from the Village of Altamont and Town of Guilderland respectively. As per the Full Environmental Assessment Form (FEAF), the project site located within the Altamont Historic District and located within or adjacent to archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. No known environmental spill or remediation sites were recorded within 2,000 feet of the Project site. The Project site is zoned R-15 Residential. The proposed use of single-family residences is a permitted use within this zone. Minimum lot size required in a R-15 residential zone is 15,000 SF and the proposed lots

have a lot of size ranging from approximately 15,188 SF to 94,159 SF. As per the FEA, a total of 2.55 acres of land disturbance is anticipated. However, the applicant requests variance for the proposed four lots for the keyhole strip which each require a 30 ft rear yard setback whereas 16.02 ft is proposed. The existing single-family residence is marked on the site plan as Lot #9 with 15,188 SF. Lots 5,6,7, and 8 share approximately 64 feet of road frontage on Schoharie Plank Road West. The proposed subdivision results in each of Lot 5, 6,7, and 8 have about 16 feet per property to share for a common driveway- this would create a total of 4 keyhole lots. Each of these lots, according to the developer would have cross easements to use the 64 foot wide strip and they would all bear 25% responsibility for maintaining the driveway.

**Staff Opinion:**

Modify local approval to include

1. This application is being reviewed for area variance only and not site plan review. The Albany County Planning Board recommends that this application should be sent back for a separate site plan review and that all future application be sent for variance review before site plan review to assess the zoning compliance of the proposed project.
2. The applicant seeks multiple area variances. The Village of Altamont Board should consider the precedent setting nature of allowing significant area variances the Village Code in the Residential (R-15) zoning district.

This Referral was sent for a Subdivision Review, Site Plan Review and Area Variance all at the same time as one referral package. The Board will review it for Area Variance only and the applicant will have to resubmit for the Subdivision Review and Site Plan review after the next public meeting of the Village of Altamont Planning Board.

Because this is only being reviewed for Area Variance, the original Staff Recommendations did not apply. The Board requested that new modifications address the application process (area variance before site plan review noted above as Modification #1) and the precedent setting nature of significant area variances (noted above as Modification #2).

With those changes added, Beth Lacey made a motion to accept the new Staff Recommendations for Case #02-230104158. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 16-230104156  
**Project Name:** **Countryside Lane Building #3**  
  
**Applicant:** JC Pops Industrial Park, LLC  
**Project Location:** 1 Countryside Ln  
**Municipality:** Village of Voorheesville  
**Parcel Size:** 5.69 acres  
**Zoning:** Industrial  
**Tax Map Number:** 61.18-3-3.1  
**Referring Agency:** Village of Voorheesville Planning Board

**Considerations:** Site plan review for new commercial construction of a 9,600 SF building to be used for sports recreation/indoor baseball practice facility.

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

**Juris. Determinant:** Municipal Boundary, County Road  
**Potential Impacts:** Intermunicipal Boundaries of Village of Voorheesville and Town of New Scotland, CR 208 School Road

**Staff Notes:** The applicant proposes the construction of new 80'x120' single-story building to be used for sports recreation. Less than one acre of land is anticipated to be disturbed as per the Short Environmental Assessment Form. The property currently consists of two one-story buildings with existing driveway access via CR 208 School Road.

**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 Recommendation for Case #16-230104156. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom.

**Unfinished Business:** The ACPB is still in need of an additional Board Member. Lynn Delaney, Secretary, commented that Bill Anslow has reminded downtown that we need a Board Member ASAP.



**New Business:** The next meeting of the Albany County Planning Board will be on February 16, 2023 at 3:30pm and the deadline for submissions is February 6, 2023.

Gopika Muddappa is compiling a list of items that the Board may want to add to the Non-Referral List. This list has not been updated in several years. This topic will be added to a future agenda for discussion.

Gerry Engstrom asked Gopika Muddappa the status of the Town of Colonie specific exemption list that was discussed with Sean McGuire at a previous meeting. Gopika replied that she was still waiting for the draft document.

**Adjourn:** Brian Crawford made a motion to adjourn at 5:16pm.

## ATTACHMENT A

Attachment A.

16 Senior  
Apt's  
10-2301041574



Rendering

St. Paul's Center - Senior Housing Project ■ Town of Colonie, NY

■ St Paul's Center ■ Vesta Construction ■ Olsen Associates Architects, P.C. ■

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11.28.22