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**GERALD ENGSTROM JR.,**  
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CHAIRPERSON

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VICE CHAIRPERSON

## **ACPB Meeting Minutes – February 16, 2023**

**NOTE:** The February 16, 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, Travon Jackson & Brian Crawford. In addition, Jeff LaFontaine was appointed to the Board on 2/13/23 and was unable to attend in person due to the short notice, but did listen in on the Teams Call.

**Board Members Absent:** none

**Albany County Public Works Office:** Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer; Sameer Modasra, Albany County Dept. of Management and Budget, Ex Officio.

**Guests:** Susan Sikule, attending to offer additional information if needed for Case #10-230204171, Just Cats.

**Minutes:** Lynn Delaney, Secretary

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

**Vote for Meeting Minutes:** Travon Jackson made a motion to accept the October 2022 Meeting Minutes. The Motion was seconded by Beth Lacey and was also approved by Brian Crawford. Travon Jackson made a motion to accept the December 2022 Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom. Beth Lacey made a motion to accept the January, 2023 Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

## ACPB February 16<sup>th</sup>, 2023 Draft Meeting Minutes (cont.)

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

**Case #:** 01-230204159  
**Project Name:** **215 South Pearl Street - Area Variance**

**Applicant:** Gregory J Teresi  
**Project Location:** 215 South Pearl Street  
**Municipality:** City of Albany  
**Parcel Size:** 0.06 acres  
**Zoning:** Mixed-Use Neighborhood Center (MU-NC)  
**Tax Map Number:** 76.57-2-18  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow for a convenience store to be located within 1,000 feet of another convenience store.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 32 S Pearl Street, Historical District

**Staff Notes:** Convenience store by applicant is currently located at 213 S. Pearl Street which has been at this location for over 30 years. Neighborhood has numerous mix used properties similar to the applicants that accommodate the needs of the residents. Applicant wants to discontinue the use at 213 and move Convenience store to the building immediately next door at 215 S. Pearl Street. As per the City of Albany USDO, no retail use within 1000' of another convenience retail use are allowed. The applicant requests a waiver and cease use of 213 S Pearl Street.

**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 #:** 01-230204160  
**Project Name:** 79 North Pearl Street - Area Variance

**Applicant:** Kevin Skeen  
**Project Location:** 79 North Pearl Street  
**Municipality:** City of Albany  
**Parcel Size:** 0.18 acres  
**Zoning:** Mixed-Use Downtown (MU-DT)  
**Tax Map Number:** 76.34-1-3  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow for a 30 SF wall sign that covers 65% of the individual window area and approximately 19% of the total storefront window area.

**Action Type:** Area Variance

**Juris. Determinant:** State Road  
**Potential Impacts:** 32 N Pearl Street, Historic District

**Staff Notes:** The applicant proposes to install a 30 SF wall sign which covers 65% of the window area and approximately 19% of total storefront area which over the permitted dimension.

**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 #:** 01-230204161  
**Project Name:** 19-21 Erie Blvd - Area Variance

**Applicant:** AJ Signs  
**Project Location:** 19-21 Erie Blvd  
**Municipality:** City of Albany  
**Parcel Size:** 7.97 acres  
**Zoning:** Mixed-Use Form-Based Warehouse (MU-FW)  
**Tax Map Number:** 65.16-5-4.1  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow for a 93.2 SF wall sign where the maximum permitted is 24 SF.

**Action Type:** Area Variance

**Juris. Determinant:** Interstate Highway  
**Potential Impacts:** 787 Interstate Highway

**Staff Notes:** The applicant proposes a new wall sign for the multi-use building that is located in the warehouse district which is 93.2 SF whereas, as per the City of Albany USDO, the maximum allowed square footage for wall sign is 24 SF.

**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 #:** 01-230204162  
**Project Name:** **180 Washington Ave Ext. - Area Variance**

**Applicant:** AJ Signs  
**Project Location:** 180 Washington Ave Ext.  
**Municipality:** City of Albany  
**Parcel Size:** 14.60 acres  
**Zoning:** Residential Village (R-V)  
**Tax Map Number:** 41.00-2-3  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow two freestanding signs where one is allowed per street frontage and to allow for a 25 SF freestanding sign where a maximum of 6 SF is allowed.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** Washington Ave Ext

**Staff Notes:** The applicant proposes to install a second freestanding sign in the property to indicate the main entrance where only one is permitted per street frontage in the R-V zoning district. The freestanding sign is proposed to be 25 SF whereas maximum allowed is 6 SF.

**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 R-V zoning district.

**Case #:** 03-230204163  
**Project Name:** Sission Subdivision

**Applicant:** Mitchen Sission  
**Project Location:** Sickle Hill Road  
**Municipality:** Town of Berne  
**Parcel Size:** 61.00 acres  
**Zoning:** Residential/Agriculture/Forestry (RAF)  
**Tax Map Number:** 89.-1-9.3  
**Referring Agency:** Town of Berne Planning Board

**Considerations:** Subdivision review to divide the 61 acres into three lots. Lot 1 to be 40.47 acres, Lot 2 to be 5 acres and Lot 3 to be 15.46 acres.

**Action Type:** Subdivision Review

**Juris. Determinant:** County Road, Agricultural District  
**Potential Impacts:** CR 13 Sickle Hill Road

**Staff Notes:** The applicant proposes to subdivide the parcel into three lots. Lot 1 to be 40.47 acres, Lot 2 to be 5 acres and Lot 3 to be 15.46 acres. All the three proposed lots will have frontage on County Route 13. No development is proposed during the subdivision. As per the Short Environmental Assessment Form, the parcel is partially in a 100-year flood zone but the property has over 5 acres of buildable land which is also noted on the site plan (Flood zone A Note 2).

**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. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required for any future development.

**Case #:** 04-230204164  
**Project Name:** LaChance Insurance Agency - Signage

**Applicant:** Eric LaChance  
**Project Location:** 636 Delaware Ave, Delmar  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 0.29 acres  
**Zoning:** Hamlet  
**Tax Map Number:** 85.18-4-17  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance for the existing non-conforming sign to be lit using LED backlights until a new compliant sign is installed.

**Action Type:** Area Variance

**Juris. Determinant:** State Road, County Road  
**Potential Impacts:** 443 Delaware Ave, CR 52 Elm Avenue

**Staff Notes:** The applicant proposes to temporarily use the existing signage and its intended backlit lighting source. The sign has been approved for use but the back lit illumination which has been used with the existing business since 2002 is not within the Town Code. The applicant requests a one year variance request to illuminate using LED backlights until a new complaint sign with exterior lights are installed. As per Section 128-59 Signs E(6), signs in the Hamlet zoning district may be lit by external means only.

**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 #:** 04-230204165  
**Project Name:** Vista Development Group -Wall Sign - Plug Power

**Applicant:** Vista Development, LLC  
**Project Location:** 125 Vista Blvd, Slingerlands  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 97.37 acres  
**Zoning:** Mixed Economic Development  
**Tax Map Number:** 74.00-1-29.1  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance for the proposed wall signage that will be internally illuminated.

**Action Type:** Area Variance

**Juris. Determinant:** State Road, Municipal Boundary  
**Potential Impacts:** SR 85, Intermunicipal Boundaries of Town of Bethlehem and Town of New Scotland, Agricultural District

**Staff Notes:** The applicant proposes the installation of internal lighting to a new wall sign at the property whereas as per Section 128-59 Signs D(6), signs in the mixed economic development district may be lit by external means only.

**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 #:** 04-230204166  
**Project Name:** Vista Development Group - Free Standing Sign - Plug Power

**Applicant:** Vista Development, LLC  
**Project Location:** 125 vista Blvd, Slingerlands  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 97.37 acres  
**Zoning:** Mixed Economic Development  
**Tax Map Number:** 74.00-1-29.1  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance for the proposed internally illuminated freestanding sign.

**Action Type:** Area Variance

**Juris. Determinant:** State Road, Municipal Boundary  
**Potential Impacts:** SR 85, Intermunicipal Boundaries of Town of Bethlehem and Town of New Scotland, Agricultural District

**Staff Notes:** The applicant proposes to install internal lighting to a new freestanding sign at the property. As per Section 128-59 Signs D (1) and (6) of the Town Code, freestanding signs shall not exceed 32 SF whereas the proposed sign is 72.8 SF which is 40.8 SF over the allowed dimension. The signs in the mixed economic development district may be lit by external means only.

**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 #:** 07-230204167  
**Project Name:** **Amendment to Chapter 189A Small Cell Wireless Facilities**

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

**Considerations:** Amendment to Chapter 189A of the Code of the Town of Colonie, Small Cell Wireless Facilities to clarify the permitting requirements applicable to small cell wireless facilities and conform the law with federal requirements applicable.

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

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

**Staff Notes:** A local law amending Chapter 189A, to the Code of the Town of Colonie to clarify the permitting requirements applicable to small cell wireless facilities and conform the law with federal requirements applicable to same. This chapter shall be cited as the "Town of Colonie Small Cell Wireless Facilities Law". It is the purpose of this chapter to facilitate the deployment of wireless telecommunications infrastructure in accordance with applicable federal law and conform the procedural and substantive requirements contained in the Code with controlling legal authorities, including, but not limited to, federal statutory authority, as well as regulatory authority and administrative guidance promulgated by the Federal Communications Commission. The Town Board determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act (SEQRA) 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 #:** 07-230204168  
**Project Name:** **Parking Lot Expansion**

**Applicant:** Daniel Hershberg (Agent for Loudonville Home for Adults, LLC)  
**Project Location:** 298 Albany Shaker Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 3.60 acres  
**Zoning:** Single Family Residence (SFR)  
**Tax Map Number:** 54.3-2-74.1  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Use variance for the proposed expansion of the parking lot to an existing adult home residence.

**Action Type:** **Use Variance**

**Juris. Determinant:** Municipal Boundary, State Road  
**Potential Impacts:** Intermunicipal Boundaries of Town of Colonie and City of Albany, 151 Albany Shaker Road

**Staff Notes:** The proposal to expand the parking lot to an existing adult home residence, located in the Single Family Residential (SFR) zoning district, is an expansion of a non-conforming use as per the Town of Colonie Land Use Law. The applicant proposes to remove parallel spaces and the installation of angle spaces to add 15 new right angle parking spaces. Total parking spaces would increase from 44 to 68. Additional stormwater management facilities are also proposed to be added. Existing storm drains will remain and additional catch basins and new storm water management pipe gallery are proposed. As per the Short Environmental Assessment Form, 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 #:** **07-230204180**  
**Project Name:** **Rezoning of 4232 Albany Street from Industrial to Single Family Residence**

**Applicant:** Kim & Dominic DiTonno  
**Project Location:** 4232 Albany Street  
**Municipality:** Town of Colonie  
**Parcel Size:** 11.89 acres  
**Zoning:** Industrial  
**Tax Map Number:** 29.3-1-1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Rezoning of 4232 Albany Street from Industrial to Single-Family Residential zone.

**Action Type:** **Rezoning**

**Juris. Determinant:** Town Road  
**Potential Impacts:** Albany Street, NYSDEC & NWI Wetlands

**Staff Notes:** The owner of the property seeks to have the entire 11.88 acres re-zoned from industrial to single-family residential so that they may construct two single-family homes on the property. Currently the property is vacant. The property was zoned in half for industrial and the other half for residential use prior to 2007. As per the Short Environmental Assessment Form, a total of four acres of land disturbance is indicated.

**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 #:** 07-230204181  
**Project Name:** Bala Open Development Area

**Applicant:** Karthik Bala  
**Project Location:** 2 Taprobane Lane  
**Municipality:** Town of Colonie  
**Parcel Size:** 2.50 acres  
**Zoning:** Single Family Residence (SFR)  
**Tax Map Number:** 43.1-8-59  
**Referring Agency:** Town of Colonie Legislative Board

**Considerations:** Open development area for the proposed new residential dwelling for primary access via existing private road to Old Niskayuna Road.

**Action Type:** Open Development Area

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 152 Old Niskayuna Road

**Staff Notes:** The applicant is proposing to build a new residential dwelling on the parcel at 2 Taprobane Lane. This is a corner, approved, building lot and borders both Old Niskayuna Road and Taprobane Lane. The current zoning is residential. The lot is currently vacant. All utilities in the Taprobane subdivision are underground and will be connected underground to the new dwelling. The property will not access directly onto a Town road or other public right-of-way and the Town has proposed an Open Development Area to issue building permits.

**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 #:** 10-230204169  
**Project Name:** Golf Performance Center

**Applicant:** Sara Robinson  
**Project Location:** 5180 Western Tpke, Altamont  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.85 acres  
**Zoning:** Light Business (LB)  
**Tax Map Number:** 39.00-2-15  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit for the conversion of existing restaurant to a golf performance center.

**Action Type:** Special Use Permit

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

**Staff Notes:** The applicant proposes to convert the existing restaurant into a golf performance/instruction center. No land disturbance is indicated as per the Short Environmental Assessment Form (SEAF). The property consists of existing parking and utility services.

**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 comments on any of these cases. Brian Crawford made a motion to accept the Staff Opinion for Case # 01-230204159, 01-230204160, 01-230204161, 01-230204162, 03-230204163, 04-230204164, 04-230204165, 04-230204166, 07-230204167, 07-230204168, 07-230204180, 07-230204181 & 10-230204169. The motion as seconded by Beth Lacey and was also approved by Gerry Engstrom and Travon Jackson.

Susan Sikule attended the meeting to answer any questions the Board had regarding Case # 10-230204171, Just Cats. The Board made the decision to review this case next as Susan was not planning on attending the entire meeting.

**Case #:** 10-230204171

**Project Name:** **Just Cats**

**Applicant:** Susan Sikule

**Project Location:** 2079 Western Avenue

**Municipality:** Town of Guilderland

**Parcel Size:** 1.13 acres

**Zoning:** Business Non-Retail Professional (BNRP)

**Tax Map Number:** 51.02-1-15

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

**Considerations:** Special use permit for conversion of a chiropractor office to a veterinary clinic.

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

**Juris. Determinant:** Federal Highway

**Potential Impacts:** 20 Western Ave

**Staff Notes:** The applicant proposes to renovate the existing office space which is currently operated as a chiropractor office to accommodate feline only veterinary clinic. Site modifications include 890 SF addition for future expansion, proposed 2'x4' double sided signage and 8 additional parking to the existing 23 parking spaces including 2 handicap spaces. Additional parking will be available at the applicant's current location at 2073 Western Ave. Subject to the approval of this special use permit, the applicant will be leasing +/-2,100 SF of space in the 3,430 SF building and the remaining space will continue to operate as a dental office.

**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.

Susan was asked if she had anything to add and she commented that she is moving into a building two doors down from her current location.

Brian Crawford made a motion to accept the Staff Opinion for Case # 10-230204171. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom and Travon Jackson.

**Case #:** 07-230204170  
**Project Name:** **Stanford Heights Fire Station**

**Applicant:** Stanford Fire District  
**Project Location:** 2238 Central Avenue, 27 & 15 Covington Avenue, 16 & 20 Wilber Avenue  
**Municipality:** Town of Colonie  
**Parcel Size:** 3.06 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 16.7-5-57, 16.7-5-55, 16.7-5-48, 16.7-5-49  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the construction of a new municipal fire station.

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

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

**Staff Notes:** The proposed development will involve the construction of a new Municipal Fire Station generally in the center of the five subject parcels. A total of 66 new parking spaces will be created to serve the proposed fire station. The existing fire station on will be maintained and utilized until the Fire Department can move into the new station. After the move, it will be demolished, and the site restored, and the overflow parking area will be constructed. Stormwater management will be provided on site, and sewer, water, gas, and electric utilities will be extended to the proposed fire station. Stormwater generated by the project will be conveyed to on-site stormwater management facilities located in various points around the proposed fire station. Site access will be from Wilber Avenue and Covington Avenue. Fire trucks will exit via Wilber Avenue and return via Covington Avenue. Access to the main parking lot will be from both Wilber and Covington Avenue. A lot line adjustment to combine the five parcels (2238 Central Avenue, 27 & 15 Covington Avenue, 16 & 20 Wilber Avenue) has been completed to ensure compliance with the Town's zoning bulk standards. The five parcels have a combined acreage of 3.06 acres. The project site has been developed to fit a number of uses. A Municipal Fire Station and encompassing utilities are currently located to the southeast of the project site, while the remains of an abandoned commercial building makes up the northernmost portions. A gravel parking lot is located to the west of said commercial building and serves as an inventory lot for an auto dealer outside of the site. A T-Mobile cellular tower is situated between the gravel lot and commercial building. Lastly, the



westernmost portion of the site remains undeveloped. Approximately 1.13 acres of land disturbance is anticipated during the development.

**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 of Colonie should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.

Travon Jackson made a motion to accept the Staff Opinion for Case #**07-230204170**. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom and Beth Lacey.

**Case #:** **04-230204172**  
**Project Name:** **Malm Realty - Warehouse**  
  
**Applicant:** Malm Realty Company  
**Project Location:** 39 Hamilton Lane  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 17.00 acres  
**Zoning:** Rural Light Industrial  
**Tax Map Number:** 86.00-1-14  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan review for the proposed construction of 49,200 SF one-story building to be utilized for warehousing.

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

**Juris. Determinant:** Agricultural District  
**Potential Impacts:** Agricultural District

**Staff Notes:** The applicant proposes to develop the site with one-story warehouse building with an area of approximately 49,200 SF. Associated parking areas and access drives and maneuvering areas are also proposed to be developed adjacent to the proposed building. Per the Town Code the parking required is 1 space per 1000 SF and with 140,084 SF of total site acreage, 141 parking spaces are required. The site plan shows a total of 145 parking spaces including 5 handicap parking spaces which will be screened with a combination of berms and landscaping. The infrastructure necessary to provide the site with sanitary, water, electric, gas and telephone services exist and are all located along the Hamilton Lane Corridor. The proposed site for construction does not contain any US ACOE or NYSDEC jurisdictional wetlands. This is an allowed use in the Rural Light Industrial zone. A total of 6 acres of land disturbance is anticipated during the construction as per the Short Environmental Assessment Form. The project proposes to include the construction of stormwater management systems that will capture the stormwater runoff and detain it and release it at the predevelopment rates in accordance with the NYSDEC and the Town stormwater regulations. The parcel currently consists of four existing one-story buildings occupied by several tenants.

**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. Notification to the local fire department for review and comment on emergency access and the emergency plan should be required.

Travon Jackson made a motion to accept the Staff Opinion for Case **#04-230204172**. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom and Brian Crawford.

**Case #:** **05-230204173**  
**Project Name:** **Propane Fuel Storage Terminal**

**Applicant:** Marebo, LLC  
**Project Location:** Route 9W & CR 101  
**Municipality:** Town of Coeymans  
**Parcel Size:** 4.90 acres  
**Zoning:** Planned Commercial (C-1P)  
**Tax Map Number:** 156.-2-1.3  
**Referring Agency:** Town of Coeymans Planning Board

**Considerations:** Site plan review and special use permit for the proposed propane fuel storage terminal with two 30,000 gallon tanks in a fenced area.

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

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 101, Route 9W, NWI Wetlands

**Staff Notes:** The applicant proposes to install a propane fuel storage with pole barns and associated fenced storage. Two 30,000 gallon tanks are proposed in a total of 0.97 acres including 1,620 SF pole barn, 3,850 SF fenced storage area and 2,244 SF propane storage tanks. Pole barns are proposed to be used to store trucks. Currently the parcel is vacant. Less than one acre of land disturbance is anticipated. No water or sanitary facilities are required for the proposed use. As per the Short Environmental Assessment Form, no wetland disturbance is proposed to the wetland area in the north-west corner of the site. This is an allowed use in the Planned Commercial (C-1P) district with special use permit.

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

1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.
2. The applicant proposes that 0.8 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).

3. Notification of the application should be sent to the Village of Ravena, including all required notices pursuant to GML §239-nn.

4. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required for any future development.

The Board reviewed the plans so they could determine how close this is to Ravena High School. Gerry Engstrom commented that the Village of Ravena should be notified (noted above as modification # 3). Bill Anslow commented that the Advisory Note on the original Staff Opinion related to obtaining a highway work permit from AC DPW, should be a modification (noted above as modification #4).

Beth Lacey made a motion to accept the Staff Opinion with the changes discussed for Case # 05-230204173. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Brian Crawford.

**Case #:** **07-230204174**  
**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

**Staff Notes:** A parking expansion is proposed to provide additional customer parking. The proposed parking is approximately 1,500 SF and consists of 18 parking spaces. A stormwater management area is proposed to manage surface runoff. Less than one acre of land disturbance is anticipated during the proposed action. No building or utility extensions are proposed as a part of this project. As per the Short Environmental Assessment Form a total of 0.10 acres (4,425 SF) of ACOE wetland is anticipated to be disturbed.

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

1. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
2. The Town should require that the site plans indicate the replacement of remediation of the wetlands.

Gopika Muddappa commented that this was the case that the ACPB started to review last month, but felt that the information submitted was not clear. The Town of Colonie sent a response to the ACPB questions and the Board felt the updated information was satisfactory with the exception of noting the remediation of the wetlands on the site plan. The Board added a modification regarding this (noted above as Modify #2).

With this modification added, Brian Crawford made a motion for Case # 07-230204174. The motion was seconded by Travon Jackson and was also approved by Beth Lacey and Gerry Engstrom.

**Case #:** 07-230204175  
**Project Name:** **Watervliet Arsenal Tower**

**Applicant:** Evolution Site Services  
**Project Location:** 228 Watervliet Shaker Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 32.41 acres  
**Zoning:** Industrial  
**Tax Map Number:** 44.1-1-9.1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Special use permit amendment to relocated previously approved tower due to existing soil conditions and foundation stability concerns.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 155 Watervliet Shaker Road

**Staff Notes:** The applicant proposes to amend the special use permit that was previously granted by the Town of Colonie Zoning Board of Appeals. Upon conducting a geotechnical subsurface investigation at the site of the proposed tower location which was previously approved, it was determined that the soil beneath the proposed site is fill, which includes organic material, and which is unreliable to support a tower foundation. Because of this, the applicant is proposing to shift the tower center ninety-five (95') feet to the southeast along the proposed access road (away from the homes on Bridgewood Lane), excavate and remove the fill material from the site, re-grade the area and make up the elevation lost due to the slope of the site and earth removal with tower steel. The location of the one hundred forty (140') foot tower, approved by both the Zoning Board of Appeals and the Planning Board is at ground elevation 115' Above Mean Sea Level (AMSL) with a total height (including the tower and ground elevation) of 255' AMSL. The proposed revised tower center location is at 95' AMSL which, with a one hundred sixty (160') tower, would result in the same total height of 255' AMSL. This application (07-220403976) was previously reviewed by the Albany County Planning Board in April 2022 for special use permit for the proposed construction, operation and maintenance of an unmanned public utility facility/wireless telecommunication facility. The ACPB determination was, Modify local approval to include

1. A decommissioning plan or established conditions requiring abandoned telecommunications facilities structure to be removed by the owner/applicant is also generally included as part of an approval for this size project.

Advisory:

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

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

1. A decommissioning plan or established conditions requiring abandoned telecommunications facilities structure to be removed by the owner/applicant is also generally included as part of an approval for this size project.

Beth Lacey made a motion accept the Staff Opinion for Case #07-230204175. The motion was seconded by Travon Jackson and was also approved by Brian Crawford and Gerry Engstrom.

**Case #:** 10-230204176  
**Project Name:** **Noppa-Jonientz Two-Lot Minor Subdivision**

**Applicant:** John Noppa  
**Project Location:** 5601 Grant Hill Road  
**Municipality:** Town of Guilderland  
**Parcel Size:** 8.10 acres  
**Zoning:** Rural Agricultural (RA3)  
**Tax Map Number:** 61.00-2-11.2  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Two-lot minor subdivision of 8.09 acres into Lot 1 consisting 3.6 acres and Lot 2 consisting 4.5 acres.

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

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 201 Grant Hill Road, FEMA Floodzone, NWI Wetlands

**Staff Notes:** The applicant is proposing a 2 lot minor subdivision on 8.09 acres of land located in the Rural Agricultural (RA3) District. Lot 1 would consist of 3.6 acres and Lot 2 would consist of 4.5 acres. A single-family dwelling, with accessory structures is located on proposed Lot 1. Public water is available along Grant Hill Road. A private sewer system will need to be installed on Lot 2. As per the Short Environmental Assessment Form, a total of one acre of land disturbance is anticipated. The applicant indicates that a driveway permit was previously approved by Albany County and a culvert has been installed.

**Staff Opinion:** Modify local approval to include  
1. Review by the Albany County Department of Health for the proposed private sewer on Lot 2 and other required permits.

**Advisory Note:** 1. It is advised by the Albany County Planning Board that an updated survey map and site plan drawn to scale should be provided.

Bill Anslow stated that CR201 isn't Grant Hill Road however the interactive mapping indicates that it is. There wasn't a site plan included with the referral packet, but the Board did review the sketches that were submitted.

The Board determined that they wanted to add an advisory note that mentions that the submission of a site plan and updated survey map should be completed (noted above as Advisory Note #1).

Brian Crawford made a motion to accept the Staff Opinion for Case #10-230204176. The motion was seconded by Travon Jackson and was also approved by Beth Lacey and Gerry Engstrom.

<b>Case #:</b>	<b><u>12-230204177</u></b>
<b>Project Name:</b>	<b>Adoption of Local Law #1 of 2023, Chapter 169 Zoning Law Amendments</b>
<b>Applicant:</b>	Menands Village Board
<b>Project Location:</b>	Village of Menands
<b>Municipality:</b>	Village of Menands
<b>Parcel Size:</b>	N/A
<b>Zoning:</b>	N/A
<b>Tax Map Number:</b>	N/A
<b>Referring Agency:</b>	Menands Village Board
<b>Considerations:</b>	Adoption of local law entitled A Local Law of the Village of Menands repealing existing Chapter 169 Zoning Law of the Village of Menands, Chapter 30 Planned Development Districts, Chapter 100 Gasoline Stations, Chapter 140 Site Plan Review and Chapter A172 Site Plan Regulations and replacing with a new Chapter 169 Zoning Law of the Village of Menands.
<b>Action Type:</b>	<b>Adoption of Local Law</b>
<b>Juris. Determinant:</b>	N/A
<b>Potential Impacts:</b>	N/A
<b>Staff Notes:</b>	The Village is seeking to adopt Local Law 1 of 2023 entitled A Local Law of the Village of Menands, Albany County, NY, repealing existing Chapter 169, "Zoning Law of the Village of Menands," Chapter 30, "Planned Development Districts," Chapter 100, "Gasoline Stations," Chapter 140, "Site Plan Review," and Chapter A172, "Site Plan Review Regulations," and replacing with a new Chapter 169, "Zoning Law of the Village of



Menands." Local Law #1 of 2023 addresses the following goals: Facilitates revitalization of vacant/underutilized parcels; Promotes and improves walkability and transit use; Encourages mixed-use development; Fosters Compact Design; Integrates complete streets standards and design guidelines; Consolidates separate Village Code Chapters and Schedules; and has resulted in an easily accessible zoning law.

**Staff Opinion:** Modify local approval to include  
1. Notification of the adoption of local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Travon Jackson made a motion to accept the Staff Opinion for Case #12-230204177. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom and Brian Crawford.

**Case #:** 16-230204178  
**Project Name:** Romo's Pizza Restaurant Expansion  
**Applicant:** Anthony Berghela  
**Project Location:** 112 Maple Avenue  
**Municipality:** Village of Voorheesville  
**Parcel Size:** 1.53 acres  
**Zoning:** Creekside Commercial (CC)  
**Tax Map Number:** 72.11-3-4  
**Referring Agency:** Village of Voorheesville Planning Board

**Considerations:** Amendment to the existing special use permit to allow for expansion of the kitchen and to construct an elevated deck.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 85A Maple Ave

**Staff Notes:** The applicant proposes to amend the exiting special use permit to expand the kitchen and to construct an elevated covered deck on the rear. The proposed deck is 955 SF and the proposed kitchen addition is 610 SF. A total of 46 parking spaces are provided including two handicap parking spaces. This application (16-220403965) was previously

reviewed by the Albany County Planning Board in April 2022 for site plan review and special use permit to re-open an existing restaurant within the same building footprint. The ACPB determination was, 'Modify local approval to include

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

**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 Opinion for Case #16-230204178. The motion was seconded by Gerry Engstrom and was also approved by Beth Lacey and Travon Jackson.

**Case #:**

**16-230204179**

**Project Name:**

**Adoption of Local Law - Village of Voorheesville**

**Applicant:**

Village of Voorheesville

**Project Location:**

Village of Voorheesville

**Municipality:**

Village of Voorheesville

**Parcel Size:**

N/A

**Zoning:**

N/A

**Tax Map Number:**

N/A

**Referring Agency:**

Village of Voorheesville Legislative Board

**Considerations:**

Adoption of local law clarifying and revising the Village Zoning Code of 2019.

**Action Type:**

**Adoption of Local Law**

**Juris. Determinant:**

N/A

**Potential Impacts:**

N/A

**Staff Notes:**

The proposed action is to revise the Village of Voorheesville's 2019 Zoning Code. The Village Board of Trustees previously determined that that Zoning Code was not likely to result in any significant adverse environmental impacts and is more protective of the Village's environmental resources than the prior Zoning ordinance. By adopting these revisions, the Village Board of Trustees seeks to clarify certain provisions; and address several typographical errors, internal

inconsistencies within the existing code and inconsistencies between the existing code and other laws. The Board also seeks to ensure provisions relating to the regulation of signs comply with New York State and federal law.

**Staff Opinion:**

Modify local approval to include

1. Notification of the adoption of local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Travon Jackson made a motion to accept the Staff Opinion for Case #16-230204179. The motion was seconded by Beth Lacey and was also approved by Brian Crawford and Gerry Engstrom.

**Unfinished Business:**

**New Business:**

Bylaws- updated Bylaws needed. Gopika will work on this with Yorden Huban (Albany County Attorney) and will have proposed changes to present to the Board.

Non-referral items – Gopika clarified that any changes to this list will need to go before the County Legislature. She hopes to have a list of proposed additions ready to discuss at the March Meeting.

Welcome to new Board Member Jeff LaFontaine who will officially be joining us at the March meeting.

Brian Crawford will away on vacation and therefore unable to attend next month's meeting.

The next meeting of the ACPB will be on Thursday, March 16, 2023 at 3:30pm. The deadline for municipalities to submit referrals for review is March 6, 2023 at 3:30pm.

**Adjourn:** Beth Lacey made a motion to adjourn at 4:20pm.