



**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 – April 20, 2023**

**NOTE:** The April 20, 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 & Travon Jackson (arrived at 3:34 just after meeting was called to order).

**Board Members Absent:** Jeff LaFontaine

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

**Guests:** Dan Hershberg, Hershberg and Hershberg representing Case #'s 07-230404206, 01-230404214, 01-230404215, 07-230404218.

**Minutes:** Lynn Delaney, Secretary

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

**Vote for Meeting Minutes:** Brian Crawford made a motion to approve the February 2023 Meeting Minutes. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom. Due to the absence of Jeff LaFontaine, the Board was unable to vote on the March 16, 2023 meeting minutes.

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

Board Member Travon Jackson joined the meeting.

**ACPB 4-20-23 Meeting Minutes – FINAL (cont.)**

**Case #:** **01-230404199**  
**Project Name:** **44 Broadway - Area Variance**

**Applicant:** Forman Sign Company  
**Project Location:** 44 Broadway  
**Municipality:** City of Albany  
**Parcel Size:** 0.68 acres  
**Zoning:** Mixed-Use Form-Based South End (MU-FS)  
**Tax Map Number:** 76.19-2-6  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow 159.11 SF wall sign where the maximum permitted is 24 SF.

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

**Juris. Determinant:** Federal Highway  
**Potential Impacts:** 787 Interstate Highway, FEMA Floodzone, Historical District

**Staff Notes:** The proposed alterations to replace the existing "Albany Super Storage" illumination wall sign with a new "Life Storage" illuminated wall sign. The proposed sign is 159.11 SF where the maximum allowed is 24 SF. The existing sign is 234 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 #:** 01-230404200  
**Project Name:** Ordinance 11.32.23

**Applicant:** Albany Common Council  
**Project Location:** 64, 65, 67 and 69 Colvin Ave  
**Municipality:** City of Albany  
**Parcel Size:** 7.33 acres  
**Zoning:** N/A  
**Tax Map Number:** 53.74-2-14, 53.83-1-2  
**Referring Agency:** City of Albany Legislative Board

**Considerations:** Rezoning of 64, 65, 67 and 69 Colvin Ave from Mixed Use Community Urban to Mixed Use Neighborhood Center.

**Action Type:** Rezoning

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

**Staff Notes:** Chapter 375 of the Code of the City of Albany (Unified Sustainable Development Ordinance) and the Official Zoning Map are proposed to be amended to change the zoning classifications of 64, 65, 67, and 69 Colvin Avenue from Mixed-Use Community Urban (MU-CU) to Mixed-Use Neighborhood Center (MU-NC). Pursuant to USDO Section 375-204(2)(b), "the purpose of the MU-NC District is to provide for moderate density housing options amongst a nexus of locally oriented neighborhood-scale commercial uses, providing support services to the surrounding residential neighborhoods. Land uses include a variety of predominantly non-destination and non-auto-oriented retail and commercial establishments, as well as complimentary residential uses. A mix of residential and non-residential uses on individual lots is encouraged."

**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 #:** 01-230404201  
**Project Name:** **DASNY Cannabis Dispensary**

**Applicant:** Grow America Builders, LLC  
**Project Location:** 997 Central Avenue  
**Municipality:** City of Albany  
**Parcel Size:** 0.30 acres  
**Zoning:** Mixed-Use, Community Highway (MU-CH)  
**Tax Map Number:** 53.66-3-8  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review, conditional use permit, and minor development plan review to allow a Control Substance Dispensary (Marijuana Dispensary) to occupy the +/- 2,777 SF store front at the site.

**Action Type:** **Site Plan Review, Conditional Use Permit, Minor Development Plan Review**

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

**Staff Notes:** Site plan review, conditional use permit, and minor development plan review for the proposed new retail cannabis dispensary. The proposed use is an allowed use under the City Code. The corridor along Central avenue and specifically the shopping strip mall where the dispensary is proposed, is all retail. The project proposes interior renovation of existing retail establishment to the new cannabis dispensary. The total square footage of the dispensary is 2,777 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 Albany County Planning Board advises the City and the applicant to be prepared for influx of people and vehicles and that considerations for parking and pedestrian safety should be given.

Brian Crawford questioned the traffic impacts that may occur when this store first opens. This has been an issue in other locations for the first few weeks and could occur here as well. Brian suggested adding an Advisory Note to the town and applicant to be prepared for this possibility (noted above as Advisory Note #1).

**Case #:** 04-230404202  
**Project Name:** Dickinson- Wemple Road Two-lot Land Division

**Applicant:** Kenneth Dickinson  
**Project Location:** 16 Wemple Road, Glenmont (abuts Elsmere Fire House)  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 5.43 acres  
**Zoning:** Residential A  
**Tax Map Number:** 97.00-1-16.1  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Two-lot land division of the existing 5.432 acres into Lot 1 consisting 4.916 acres with the existing two-story residence and Lot 2 consisting 0.516 acres for future single-family residence.

**Action Type:** Subdivision Review

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

**Staff Notes:** Subject parcel is to be subdivided into two (2) lots. Lot 1 will be 4.916 acres of land and is for the existing two-story frame dwelling home fronting on Wemple Road. The existing utility services for this lot will not be changed. However, the existing water service location will be going through the proposed Lot 2 and an easement for said service will need to be granted to Lot 1. Lot 2 will be 0.516 acres (22,484 square feet) of land fronting on Feura Bush Road. This will be a building lot for a future single family residence. Water service for this newly created lot will come from the water main located on the north side of Feura Bush Road. The sanitary sewer service will be via a sewer forcemain to a manhole in Brightonwood Road. As per the Short Environmental Assessment Form (SEAF), less than one acre of land disturbances are anticipated.

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

**Advisory Note:** 1. An easement agreement should be referenced in the deeds for both properties, due to the existing water service location that will be serviced through the proposed Lot 2.

**Case #:** 04-230404203  
**Project Name:** South Albany Airport  
  
**Applicant:** Ted Zabinski  
**Project Location:** 6 Old School Road, Selkirk  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 66.30 acres  
**Zoning:** Rural Light Industrial  
**Tax Map Number:** 120.00-5-20  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance for the construction of a snow removal equipment building as an extension to the existing garage that runs parallel to the front property line.

**Action Type:** Area Variance

**Juris. Determinant:** County Road, County/State Property  
**Potential Impacts:** CR 53 Old School Road, CR 55 Creble Road, South Albany Airport

**Staff Notes:** Under Article V, District Regulations, Section 128-39, Rural Light Industrial District, C. Accessory uses. (1) Location reads as: In the Rural Light Industrial District Zoning District an accessory building shall not be located in a front yard setback. The proposed accessory structure will be within the properties front yard. Hence an area variance is requested.

**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 #:** 04-230404204  
**Project Name:** Stewart's Shop  
**Applicant:** Stewart's Shops Corp.  
**Project Location:** 624 Delaware Avenue, Delmar  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 0.38 acres  
**Zoning:** Hamlet  
**Tax Map Number:** 85.18-4-18  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan review to build 544 SF addition to the existing building with interior and exterior improvements.

**Action Type:** Site Plan Review

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

**Staff Notes:** The scope of the project includes the construction of a 34'x16' (544 sq. ft.) addition on the west side of the existing Stewart's Shop. The addition is within the required rear and side yard setback lines. The addition will result in a total building area of 2,922 sq. ft. There is adequate space for the required twelve (12) parking spaces along the building front. Proposed improvements include new hardy board siding and stone veneer along the storefront and a complete remodel of the interior to provide improvement to circulation, seating, equipment and variety of products. The existing Stewart's Shop is located on a 0.38+/- acre parcel located on the southwest corner of Delaware Avenue and Elm Avenue. Less than one acre of land disturbance 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.

**Case #:** 07-230404205  
**Project Name:** **Climate Controlled Storage Facility**  
  
**Applicant:** Delatour Partners LLC  
**Project Location:** 188 Troy Schenectady Road, Latham  
**Municipality:** Town of Colonie  
**Parcel Size:** 1.36 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 32.1-4-1.1  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Special use permit for the proposed construction of 20,000 SF three-story climate controlled storage facility.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** SR 2 Troy Schenectady Road

**Staff Notes:** The applicant proposes to develop a three-story building with a footprint of 20,000 SF and the development includes access driveway, circulation roadways and parking areas along with the connection to municipal services. As per the Short Environmental Assessment Form (SEAF), no land disturbances are anticipated during the development and the stormwater runoff from the proposed development will be connected to the existing storm systems located along the Delatour right-of-way. Currently, the property is vacant.

**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 #:** 07-230404206  
**Project Name:** Loudonville Home for Adults  
**Applicant:** Levine Realty Associates, 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 Planning Board

**Considerations:** Site plan review for the proposed expansion of the existing parking lot and replacement of existing dry well with a stormwater detention gallery.

**Action Type:** Site Plan Review

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

**Staff Notes:** The applicant proposes to expand the existing parking and replacement of existing dry well with a stormwater detention gallery. Existing storm drains are to remain and additional catch basins and stormwater management pipe gallery are proposed. As per the Short Environmental Assessment Form, less than one aces is anticipated to be disturbed. This proposal was reviewed by the Albany County Planning Board in February 2023 (07-230204168) and 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.

**Case #:** 07-230404207  
**Project Name:** **Regional Food Bank - Freight Farm Accessory Building**

**Applicant:** Regional Food Bank of Northeastern NY  
**Project Location:** 965 Albany Shaker Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 10.27 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 18.-2-65  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the construction of a new 320 SF Freight Farm Accessory Structure with existing sewer and electric utilities. No changes to ingress/egress is proposed.

**Action Type:** **Site Plan review**

**Juris. Determinant:** County Road, State Road  
**Potential Impacts:** 7 Troy Schenectady Road, CR 151 Albany Shaker Road, FEMA Floodzone

**Staff Notes:** The applicant proposes to construct a 320 SF accessory structure with existing sewer and electrical utilities with less than one acre of land disturbance. The site home to the Regional Food Bank of New York which receives food donations and distributes it to charitable agencies.

**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 #:** 07-230404208  
**Project Name:** **D+T Lawn Care and Maintenance Building**

**Applicant:** Dan L Fiebel Jr  
**Project Location:** 98 Newton Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 0.19 acres  
**Zoning:** Single Family Residence (SFR)  
**Tax Map Number:** 53.11-8-21  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the construction of a 1,500 SF building to house D+T equipment and a small office.

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

**Juris. Determinant:** Municipal Boundary  
**Potential Impacts:** Intermunicipal Boundaries of Town of Colonie and City of Albany, FEMA Floodzones

**Staff Notes:** The applicant proposes to build a 30 x 50 shop to store lawncare equipment. Less than one acre of land disturbance as per the Short Environmental Assessment Form. There will be no wholesale or retail sales being sold out of the shop/garage. The purpose for the shop is storage only. The property is currently vacant.

**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 #:** 07-230404209  
**Project Name:** Lands of Beaudry

**Applicant:** Peter Beaudry  
**Project Location:** 454 & 456 Loudon Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 0.53, 0.91  
**Zoning:** Single Family Residence (SFR)  
**Tax Map Number:** 43.4-1-17.13, 43.4-1-17.11  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Lot line adjustment to relocate the northern property line towards north of the site. All dimensional and zoning requirements are met.

**Action Type:** Lot Line Adjustment

**Juris. Determinant:** Federal Highway, County Road  
**Potential Impacts:** 9 Loudon Road, CR 152 Old Niskayuna Road

**Staff Notes:** Applicant owns the two parcels located at 454 and 456 Loudon Road and proposes to adjust the common property line as shown in the site plan. After the lot line adjustment both lots will conform with the current zoning of the parcels. No land disturbance will occur during the proposed action. After the lot line adjustment the parcel at 454 Loudon Road will be 0.864 SF and the property at 456 Loudon Road will be 0.578 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 #:** 07-230404221

**Project Name:** **Amendment to Town Code Section 162 and Section 190**

**Applicant:** Town of Colonie

**Project Location:** Town of Colonie

**Municipality:** Town of Colonie

**Parcel Size:** N/A N/A

**Zoning:** N/A

**Tax Map Number:** N/A

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

**Considerations:** A local law amending Chapter 162 and Chapter 190 of the Code of the Town of Colonie.

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

**Juris. Determinant:** N/A

**Potential Impacts:** N/A

**Staff Notes:** The Town of Colonie proposes to replace Chapter 162 and minor amendments to Chapter 190 with regard to the Town's Highway Department and Department of Public Works. Pursuant to New York State Town Law § 65-a and Municipal Home Rule Law § 10, Subdivision 1(ii)d(3), the Town Board of the Town of Colonie has adopted Article II, the purpose of which is to serve the public interest by limiting the liability of the Town insofar as no action shall be maintained for damages or injuries to person or property in consequence of conditions which may arise without warning unless actual written notice thereof is given to the Town Attorney of the Town.

**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 #:** 13-230404210  
**Project Name:** Lands of Mako International LLC  
**Applicant:** Kyle Engstrom  
**Project Location:** 167 State Farm Road  
**Municipality:** Town of New Scotland  
**Parcel Size:** 6.80 acres  
**Zoning:** MDR  
**Tax Map Number:** 61.-3-43  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** Minor subdivision for a lot line adjustment of two parcels owned by the applicant to allow the second lot to be increased in acreage.

**Action Type:** Subdivision Review

**Juris. Determinant:** State Road, County Road, Agricultural District  
**Potential Impacts:** CR 306 Normanskill Road, 155 State Farm Road, Agricultural District, FEMA Floodzones

**Staff Notes:** Minor subdivision of the subject parcel to be Lot 1 consisting 5.67 acres and Lot 2 consisting 1.16 acres. The existing dwelling will be located on Lot 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.

**Case #:** 13-230404211  
**Project Name:** Meadowdale Farm Winery SUP  
**Applicant:** John Sheehan  
**Project Location:** 111 Picard Road  
**Municipality:** Town of New Scotland  
**Parcel Size:** 86.87 acres  
**Zoning:** Residential Agricultural (RA)  
**Tax Map Number:** 71.-3-36.10  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** Special use permit to relocate Meadowdale Farm Winery from its current location on Fryer Lane to the new location on the parcel known as Picard's Grove.

**Action Type:** Special Use Permit

**Juris. Determinant:** County Road, Agricultural District  
**Potential Impacts:** CR 307 Picard Road, Agricultural District, NWI Wetlands

**Staff Notes:** The applicant proposes to relocate an existing Winery in Guilderland to an existing structure on a parcel that used to operate Picard's Grove located at 111 Picard Road. Meadowdale will operate as a farm winery and tasting room at the new location. As per the Short Environmental Assessment Form, one acre of land disturbance is indicated. The parcel consists of existing well and septic system on site. Meadowdale currently operates at 32 Fryer Lane in Guilderland.

**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 Town should ensure that the applicant provides adequate number of parking spaces including ADA handicap parking space for the proposed relocation of the Meadowdale Farm Winery.

**Case #:** 02-230404212  
**Project Name:** **Fanuele Variance**  
  
**Applicant:** Mark Fanuele  
**Project Location:** 36 Sanford Place  
**Municipality:** Village of Altamont  
**Parcel Size:** 0.44 acres  
**Zoning:** Residential (R20)  
**Tax Map Number:** 37.14-5-42  
**Referring Agency:** Village of Altamont Zoning Board of Appeals

**Considerations:** Use variance to allow the homeowner to store the enclosed trailer in his driveway next to his garage.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 397 Western Ave

**Staff Notes:** The applicant requests for a use variance to store/park the enclosed trailer in the side driveway. The reason being that the property has mature tress which makes it difficult to comply with the local zoning code. As per the village code Article 355-22-F(2), no trailer may be parked within the front or side yards at any time.

**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.

With the addition of the agreed upon Advisory Note #1 for Case # 01-230404201 (DASNY Cannabis Dispensary), Brian Crawford made a motion to accept the Staff Recommendation for Case #'s – 01-230404199, 01-230404200, 01-230404201, 04-230404202, 04-230404203, 04-230404204, 07-230404205, 07-230404206, 07-230404207, 07-230404208, 07-230404209, 07-230404221, 13-230404210, 13-230404211 & 02-230404212. The motion was seconded by Travon Jackson and was also approved by Beth Lacey and Gerry Engstrom.



Gerry Engstrom stated that he had to recuse himself from this case due to the proximity of his home to Indian Ladder Farms. Travon Jackson, Vice Chairperson, read the information regarding this case and led the discussion.

**Case #:** 13-230404213  
**Project Name:** Indian Ladder Farm Cider & Brewery Festival Special Use Permit

**Applicant:** Detrich Gehring  
**Project Location:** 342 Altamont Road  
**Municipality:** Town of New Scotland  
**Parcel Size:** 297.90 acres  
**Zoning:** RA  
**Tax Map Number:** 71.-2-20.11  
**Referring Agency:** Town of New Scotland Planning Board of Appeals

**Considerations:** Special use permit to allow an annual music and craft beverage festival for up to 750 participants to be held on July 15th 2023.

**Action Type:** Special Use Permit

**Juris. Determinant:** Agricultural District, State Road, County Road, Municipal Boundaries  
**Potential Impacts:** CR 202 Meadowdale Road, 156 Altamont Road, CR Picard Road, FEMA Floodzones, NWI Wetlands

**Staff Notes:** Special use permit to conduct a music and craft beverage festival with vendors and maximum of 750 people. The event is proposed to take place at the back of the orchard behind the market building. An emergency plan has been developed to assess and mitigate potential risks to this objective including anticipating possible emergencies within the Farming Man Festival, providing an effective and efficient response to emergencies, providing relevant information to emergency services, and providing information and basic training to staff and volunteers about on-site resources and emergency evacuation plans. The event will take place on July 15th 2023 with limited overnight camping available until 9am July 16th 2023. Notification to the Onesquethaw Volunteer Fire Company and Office of Albany County Sheriff have been sent. The event will utilize the existing farm roads and parking areas used regularly. Entertainment includes live music, craft vendors, a bonfire, and food and beverages. Portable toilets with hand wash stations will be provided throughout the festival. Portable water stations will be located in the picnic and camp areas.

**Staff Opinion:**

Modify local approval to include

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

The Board noted an inconsistency in the dates listed. In one section the dates were listed as June 15 & 16 and in another July 15 & 16 (it was later determined that the applicants documents were listed correctly and the June date was just a typo made by the Senior Planner on her summary sheet). They assumed the July dates are correct since it falls on a weekend. Gopika Muddappa noted that the applicant already has an emergency management plan in place which is something the Board would typically recommend.

With no further comments, Brian Crawford made a motion to accept the Staff Recommendation for Case # 13-230404213. The motion was seconded by Beth Lacey and was also approved by Travon Jackson (Gerry Engstrom recused himself and therefore could not vote).

**Case #:** 01-230404214  
**Project Name:** **Harmony Albany North**

**Applicant:** Harmony Prima Lofts LLC, Uri Kaufman  
**Project Location:** 1361 Broadway  
**Municipality:** City of Albany  
**Parcel Size:** 3.67 acres  
**Zoning:** Mixed-Use, Community Urban (MU-CU)  
**Tax Map Number:** 66.5-1-2  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review and demolition review for the proposed demolition of three existing parking structures, totaling +/- 6,444 SF to accommodate the construction of a +/- 274,875 SF building, to include 220 dwelling units, 135 first floor parking spaces, and 97 surface parking spaces.

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

**Juris. Determinant:** State Road, Municipal Boundary  
**Potential Impacts:** 32 Broadway, Intermunicipal Boundaries of City of Albany and Village of Menands, NWI Wetlands (freshwater pond), FEMA Floodzones

**Staff Notes:**

An application for site plan review and demolition review to allow for the demolition of three existing parking structures, totaling +/- 6,444 square feet, in accommodation of the construction of a +/- 274,875 square foot five-story building, to include 220 dwelling units, 135 first floor parking spaces, and 97 surface parking spaces. Parking will also include 4 ADA handicapped ground level parking spaces and 3 ADA surface parking spaces. As per the Short Environmental Assessment Form (SEAF), a total of 3.18 acres of land disturbance is indicated. Building will have a blue roof and subsurface pipe gallery will provide storage from pavement runoff. Drainage will be treated with a hydrodynamic separator and discharge to pond. Pond overflow connects to storm sewer in Broadway. Three existing garages will be demolished and 2 retained with 8 parking spaces. The Demolition Contractor will remove all accessible metal beams, metal piping, ductwork, and other metal items and remove to demolition contractor's yard for salvage. Estimated 15% of demolition debris volume. Contractor will demolish all concrete and masonry walls and crush it in the demolition contractor's yard for sale as fill material. Estimated 23% of demolition debris volume. Balance of material will be removed and disposed of at a construction debris landfill.

**Staff Opinion:**

Modify local approval to include

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
2. Notification of the application should be sent to the Village of Menands, including all required notices pursuant to GML §239-nn.
3. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
4. 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.

Dan Hershberg of Hershberg and Hershberg spoke about this referral and clarified that the current small garages will be demolished. There will be first floor parking with apartments above.

Travon Jackson made a motion to accept the Staff Recommendation for Case #01-230404214. The motion was seconded by Beth Lacey and was also approved by Gerry Engstrom and Brian Crawford.

**Case #:** 01-230404215  
**Project Name:** **Orange St Redevelopment (Phase 2)**

**Applicant:** Habitat for Humanity Capital District  
**Project Location:** 165,167,169,171,173,175,177,179,181,183,185 Orange St  
**Municipality:** City of Albany  
**Parcel Size:** 218332.00 SF  
**Zoning:** Residential, Townhouse (R-T)  
**Tax Map Number:** 65.81-6-26, 65.81-6-36, 65.81-6-35, 65.81-6-34, 65.81-6-33, 65.81-6-32  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review and lot modification for the construction of 11 infill dwellings, single unit on individual lots.

**Action Type:** **Site Plan Review, Lot Modification**

**Juris. Determinant:** Federal Highway  
**Potential Impacts:** 9 Clinton Ave, Historic District

**Staff Notes:** The Applicant, Habitat for Humanity Capital District proposes to construct eleven (11) single family 3-4 bedroom homes on previously developed urban in-fill sites. As per the Short Environmental Assessment Form, less than one acres is anticipated to be disturbed and rooftop storm water will be directed into the existing storm water / sewer system. As indicated on the SEAF, the site is located adjacent to archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The proposal will require 11 new water and sewer connections as indicated on the development plan application. This proposal was reviewed by the Albany County Planning Board in June 2022 for site plan review to construct six new single family townhouses for owner occupancy. Three(3) four-bedroom and 1.5 bath homes and three(3) three-bedroom and 1.5 bath homes are proposed. The ACPB determination was, "Modify local approval to include

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits."

**Staff Opinion:**

Modify local approval to include

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
2. As indicated on the Short Environmental Assessment Form (SEAF), the site is located adjacent to archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required.

Dan Hershberg of Hershberg and Hershberg commented that this is also his project. He stated that they already have clearance from SHPO.

Beth Lacey made a motion to accept the Staff Recommendation for Case # 01-230404215. The motion was seconded by Brian Crawford and was also approved by Travon Jackson and Gerry Engstrom.

<b>Case #:</b>	<b><u>04-230404216</u></b>
<b>Project Name:</b>	<b>West Yard Warehouse</b>
<b>Applicant:</b>	BBL Construction Services, LLC c/o Jonathan deForest
<b>Project Location:</b>	West Yard Road, Feura Bush
<b>Municipality:</b>	Town of Bethlehem
<b>Parcel Size:</b>	10.76 acres
<b>Zoning:</b>	Heavy Industrial
<b>Tax Map Number:</b>	108.00-1-10.32
<b>Referring Agency:</b>	Town of Bethlehem Planning Board
<b>Considerations:</b>	Site plan review for the construction of 114,675 SF single story principal flex industrial warehouse with corporate office on a 10.8 acre parcel with full curb cut onto West Yard Road.
<b>Action Type:</b>	<b>Site Plan Review</b>
<b>Juris. Determinant:</b>	County Road, Agricultural District
<b>Potential Impacts:</b>	CR Old Quarry Road, Agricultural District

**Staff Notes:**

The applicant is proposing to construct a ±114,675 sq. ft. single-story principal flex industrial warehouse building with corporate office on a ±10.8-acre parcel. The parcel is located in the Town of Bethlehem, NY (TM#: 108.-1-10.32) and located in the Heavy Industrial (I) zone and is an allowed use. The development plan includes other site appurtenances such as storm water management, on-site wastewater treatment system (WWTS), parking and loading areas, landscaping, municipal water service connection and site lighting. A single-tenant principal structure will incorporate ±6,000 sq. ft. of commercial office and ±108,675 sq. ft. of high-bay industrial warehouse space with multiple loading dock positions along the north building wall. Typical interior uses could accommodate a wide range of general manufacturing, wholesaling, storage and distribution of raw material and finished goods merchandise. The project will require site plan approval from the Town of Bethlehem Planning Board, a SPDES permit from NYSDEC and approval from Albany County Department of Health for subsurface wastewater treatment. A total of 8.19 acres of land is to be disturbed during the proposed use.

**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. 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.

**Advisory Note:**

1. The Albany County Planning Board advises that the Town should require the applicant to identify the material storage that maybe chemically concentrated or hazardous in nature.

Travon Jackson asked if this is storage for BBL or are they building it for someone else? What specifically would they be storing at this location and could it be hazardous? The Board determined that an Advisory Note should be added addressing potential storage of hazardous materials (noted above as Advisory Note #1).

With the Advisory Note added, Travon Jackson made a motion to accept the Staff Recommendation for Case #04-230404216. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom and Beth Lacey.

**Case #:** 05-230404217  
**Project Name:** **Finke Enterprises, LLC**

**Applicant:** Finke Enterprises, LLC C/O Bohler Engineering & Landscape Architecture  
**Project Location:** 1596 US-9W Selkirk  
**Municipality:** Town of Coeymans  
**Parcel Size:** 16.90 acres  
**Zoning:** R/A & C-1P  
**Tax Map Number:** 144.-1-5.21  
**Referring Agency:** Town of Coeymans Planning Board

**Considerations:** Site plan review for the construction of 20,000 SF industrial office building. This site will also accommodate provisions for four additional buildings.

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

**Juris. Determinant:** Municipal Boundary, Federal Highway  
**Potential Impacts:** Intermunicipal Boundaries of Town of Coeymans and Town of Bethlehem, US Route 9W

**Staff Notes:** A 20,000 SF industrial office building is proposed along with associated access, utilities, storm water management, landscaping, and lighting, The site also accommodates provisions for four additional buildings that would be constructed at a later date. As per the Full Environment Assessment Form, a total of 8 acres is anticipated to be disturbed. A private main to be metered and contain back flow prevention to connect to the existing Finke building water service.

**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 the proposed septic area and other required permits.

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

4. The Albany County Planning Board advises the Town that the application should be sent back for review when the four potential future 20,000 SF buildings are proposed for construction.

**Advisory Note:**

1. A traffic study should be required to show the potential traffic flow of the full buildout.

Gerry Engstrom recommended that the original Advisory Note #1 be moved to Modify #4 and leave the original Advisory Note #2 as the new Advisory Note # 1 (both noted above).

With those changes noted, Beth Lacey made a motion to accept the Staff Recommendation for Case # 05-230404217. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Brian Crawford.

**Case #:** 07-230404218  
**Project Name:** **First Prize Center Redevelopment**  
**Applicant:** First Prize Development Partners, LLC & Wolf Ranch Curry Road, LLC  
**Project Location:** 68 Exchange Street, Rear Russell Rd, Russell Rd  
**Municipality:** Town of Colonie  
**Parcel Size:** 32.90 acres  
**Zoning:** First Prize Redevelopment Overlay Zoning District  
**Tax Map Number:** 53.16-1-23.1, 53.59-1-3.1, 53.60-1-1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review to redevelop the former First Prize meat processing facility into a mixed use site including apartments, a commercial core and hotel.



**Action Type:****Site Plan Review****Juris. Determinant:**

Municipal Boundary, County Road

**Potential Impacts:**

Intermunicipal Boundaries of Town of Colonie and City of Albany, CR 155 Everett Road Extension, FEMA Floodzone

**Staff Notes:**

The redevelopment plan contains a variety of land uses – hotel (185 rooms), food and beverage, office space, wellness, fitness and recreation and multi-family residential (824 units). This redevelopment is separated into 4 phases. Phase I consists of a total of 352 residential units in 6 buildings and a mixed-use building. The ground floor of every building is enclosed parking for the residents. The mixed-use building, will contain a variety of different commercial uses including: Café, a Wellness center consists of a full-service fitness center and studio rooms for such practices as yoga and pilate. Also, other recreational amenities include golf simulators, bowling alleys and a movie theater, management and leasing office for residential component of redevelopment and Coworking office space. Outdoor recreation space with a pool surrounded by fire pits, grilling stations and seating gathering areas. Phase I also has a green space gathering area at the main entrance almost 2 acres in size. Phase 2 has 352 residential units with the ground floor of every building is enclosed parking for the residents. Phase 2 also has a green space gathering area 2 acres in size. Phase 3 consists of a 185-room hotel The hotel will contain a restaurant providing further food and beverage options within the redevelopment. This phase also contains a centralized greenspace. Phase 4 consists of two 60 units building for a total of 120 residential units. The First Prize Redevelopment Overlay Zoning District requires parking in accordance with applicable industry standards. It also requires that the applicant shall demonstrate the fact that adequate and convenient parking is being provided and accessible to the proposed uses in connection with each Phase. The proposed plan shows 1,523 parking spaces both on the ground floor of building and surface spaces. Electric lines and gas mains exist in the area. New electric utilities will be placed underground or through overhead wires as determined after discussions with National Grid. The Applicant proposes to connect to the existing public sewer within the R.O.W. of Exchange Street at MH #1211. This is a pipe which varies from 8" to 10" VCP sewer installed in 1929. The Applicant will review the connection with the Town of Colonie Pure Waters Division. The proposed development on site is located within the Latham Water District and the City of Albany which is served by the Albany Water Board. The site is in the Brownfield Cleanup Program as C401076 being overseen by the NYSDEC. C401076 is a Brownfield Cleanup Program being carried out by the property owner of this site and 401036 is a site

at 4 Vatrano Lane on which remediation has been completed. As identified on the FEAF, per NY State Office of Parks, Recreation and Historic Preservation correspondence there are no archaeological concerns associated with this project.

**Staff Opinion:**

Modify local approval to include

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

Dan Hershberg of Hershberg and Hershberg stated that this is also his project. He explained to the ACPB that there is a combined Board between the City of Albany and the Town of Colonie that is overseeing this project. This is a market rate development. SHPO suggested that a reduced model of the original First Prize Sign be incorporated into the project to reflect the historical significance of the building since the original sign couldn't be saved due to its current condition. The traffic study was expansive and Dan expects it to be available in about a month or so and he will make sure all interested parties are given a copy.

Brian Crawford made a motion to accept the Staff Recommendation for Case # 07-230404218. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Beth Lacey.

<b>Case #:</b>	<b><u>07-230404219</u></b>
<b>Project Name:</b>	<b>Stewart's Shop</b>
<b>Applicant:</b>	Stewart's Shops Corp.
<b>Project Location:</b>	956 Loudon Road, 2 Wellness Way & Portion of 954 Loudon Road
<b>Municipality:</b>	Town of Colonie
<b>Parcel Size:</b>	2.18 acres
<b>Zoning:</b>	Highway Commercial Office Residential (HCOR)
<b>Tax Map Number:</b>	9.4-3-2, 9.4-3-3.2, 9.4-3-3.1
<b>Referring Agency:</b>	Town of Colonie Planning Board

**Considerations:** Site plan review for the construction of the 3,975 sq. ft. mini-mart with one story (24'± height), and 2 fueling canopies totaling 4,460 sq. ft. (17'± height) with 16 fueling positions.

**Action Type:** Site Plan Review

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

**Staff Notes:** The proposed project will be a Mini-Mart with a fueling facility. All the existing structures will be razed to allow for the construction of the 3,975 sq. ft. Mini-mart with one story (24'± height), and 2 fueling canopies totaling 4,460 sq. ft. (17'± height) with 16 fueling positions. The proposed project will require minor subdivision approval. Approximately 0.17 acres of 2 Wellness Way and approximately 0.08 acres of 956 Loudon Road will be conveyed from Stewart's to 946 Loudon LLC. Approximately 0.30 acres will be conveyed from 956 Loudon Road to Stewart's. All lands acquired by Stewart's will be combined into one parcel with a sum of ±2.18 acres. The project has a driveway located on Loudon Road and a driveway on Wellness Way. Cross access easements are being proposed with 946 Loudon LLC for the possibility of future interconnects. The proposed Mini-mart will have approximately 15 employees and will have hours of operation from 4:00am to 12:00am. The site will provide 40 parking spaces which meets the parking requirements. Provisions will be made for future Electric Vehicle (EV) charging stations. The project site consists of 3 separate parcels; Parcel 1 is located at 956 Loudon Road (tax map parcel no. 9.4-3-2), Parcel 2 is located at 2 Wellness Way (tax map parcel no. 9. 4-3-3.2), and Parcel 3 is located at 954 Loudon Road (tax map parcel no. 9.4-3-3.1.) Parcel 1 located at 956 Loudon Road is currently being operated as a motel and is comprised of a 1 story wood framed building and parking lot. Parcel 2 located at 2 Wellness Way was previously operated as car wash and is comprised of a 1 story block building and parking lot. Parcel 3 located at 954 Loudon Road is a vacant lot. The existing building are to be demolished. Erosion & Sediment Control systems will be installed prior to the start of any construction and will be maintained throughout the construction period. The existing structures will be razed to allow for the construction on the new mini-mart. The entire project is expected to take approximately 12 weeks to complete. The following waivers are being requested: 1. Building exceeds the maximum 20 ft. setback to Central Avenue, 2. Placement of the fuel canopy and parking in the front yard, 3. Parking lot pavement within 10 feet of side yard property line, and 4. Landscaping interior to the parking area. Properties Involved: 956

Loudon Road, 2 Autopark Drive and a portion of 954 Loudon Road, Latham, NY 12110. Stewart's will be transferring a portion of 2 Autopark Drive and a portion of 956 Loudon Road to 946 Loudon LLC. Cross access easements from Autopark and Loudon Road will be given to 946 Loudon LLC. As per the Short Environmental Assessment Form, 1.4 acres of land disturbance is indicated.

**Staff Opinion:**

Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
2. Review and permits by New York State Department of Transportation for commercial property development plans proposing new access to a state highway 9 Loudon Road.
3. Review by the Albany County Department of Health for food service and other required permits.
4. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.

**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.

The Board did not have any questions or comments regarding this case. Beth Lacey made a motion to accept the Staff Recommendation for Case #07-230404219. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Travon Jackson had to step out of the meeting briefly to take a phone call when this case was being discussed, and therefore did not vote on this referral.

This concluded the municipality submissions to be discussed for the month of April, 2023.

## **Unfinished Business:**

1. Gopika Muddappa, Senior Planner handed out a draft copy of the proposed list of Non-Referral Items for all Albany County Municipalities (Attachment A – suggested additions in red). These topics had been discussed at previous meeting with Board members suggesting items they feel can be added to the list.
2. Gopika then handed out the draft of the proposed non-referral list (Attachment B) that is specific to the Town of Colonie. This was discussed at length at the July 2022 ACPB meeting with Sean McGuire, Town of Colonie Director of PEDD. Some of the Board members were not in attendance at that meeting and had some questions, suggestions, concerns etc. After a lengthy discussion, it was determined that Gopika would compile the suggestions made and we would discuss this again at the next meeting.

## **New Business:**

1. Costco Site Plan changes - Gerry Engstrom asked for clarification as to whether ACPB ever received a referral for Site Plan Review. Gopika explained that we reviewed it in 2020 for a Special Use Permit which included the original Site Plan set. We also saw it for an area variance at that time. Gerry asked if we would be seeing it for a Site Plan Amendment as the orientation of the building and parking lot have changed. Gopika stated that she reached out to the Town of Guilderland and Jackie Coons responded that they do not plan on sending it back to the Albany County Planning Board for a Site Plan Amendment.

Gopika went on to say that she did spoke with County Attorney, Yorden Huban who is investigating what the requirements are to trigger a submission for a Site Plan Amendment. Gopika said that the change in orientation of the building and parking, in her opinion, would not change any decision that the Albany County Planning Board would make regarding this case. The changes the developer made do not impact ingress/egress, traffic flow or have any additional environmental impact. It's possible that those are the reasons the Town is not sending it back to us for a Site Plan Amendment. Gerry asked Gopika to pull up the original site plan and the updated site plan that was found on the Town of Guilderland webpage. He believes the change in water containment location alone should be reason for it to be submitted again. Gerry also stated that in the original decision from ACPB, the Board did not feel that this project met the criteria of a TOD and he still does not see any interconnections (crosswalks, bike racks etc.). Gerry stressed that if ACPB did see this again, the answer would not necessarily be "no", but the Board would like the opportunity to comment on the project (possibly requesting they consider adding crosswalks as an example). Beth Lacey asked if a letter can be written from the Board indicating that the ACPB believes that they should have been given the opportunity to see this project again. Brian Crawford suggested writing a letter to the County Attorney advising him of the current situation and the ACPB position. Travon added that if

the Board does that, then it's in the hands of the Albany County counsel to determine whether a letter needs to be sent to the Town of Guilderland regarding this issue. Brian went on to say that if there is a lawsuit sometime regarding this project, we (ACPB) can state that we were made aware of this issue, the Town stated they were not going to send it for review and we forwarded that information to the Albany County Legal Dept. to make them aware of the ACPB's concern. Gerry mentioned that the project developers did take a lot of the comments the ACPB made in their original decision and made numerous changes that were mentioned in that decision.

Travon, Brian, Gerry and Beth agreed that sending a letter to the Albany County Attorney regarding the ACPB questions/concerns is the best course of action at this time.

2. The Next meeting of the Albany County Planning Board will be on Thursday, May 18, 2023 at 3:30pm in Voorheesville. The deadline for municipalities to submit referrals for review at the May meeting is 3:30pm on Monday, May 8, 2023.
3. Brian Crawford will not be able to attend the May meeting. Beth Lacey said there is a possibility that she might not be able to attend the May meeting either but she is uncertain at this time. She will let us know as soon as she confirms her plans.

**Adjourn:** Travon Jackson made a motion to adjourn at 5:03pm.



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 A. ENGSTROM JR.,  
AICP  
CHAIRPERSON

TRAVON T. JACKSON  
VICE CHAIRPERSON

*Exhibit A*  
**LIST OF NON-REFERRAL ITEMS TO THE ALBANY COUNTY PLANNING BOARD  
APRIL 2023**

From the Planning Board and/or Planning and Economic Development Department:

Minor Site Plans for:

1. Temporary tents
2. Change in tenant or use
3. Storage sheds in all zoning categories except when there is a change to curb cuts on county or state roads
4. Façade changes to existing buildings
5. Replacement of wall signs on existing building

From the Zoning Board of Appeals and/or Planning and Economic Development Department:

1. Area Variances (i.e. yard setbacks, lot width, lot frontage) that relate to existing or proposed residential structures only, and are for the following types of construction or remodeling:
  - a. Additions
  - b. Decks
  - c. Swimming Pools
  - d. Sheds
  - e. Replacement of mobile homes, except those where a driveway has access to a county or state road
  - f. garages, except those where a driveway has access to a county or state road
2. Area Variance related to signage,
  - a. Installation/replacement of free standing signs or changes to the existing signs including the ones that may require an area variance from the Town/City/Village, as long as the signs do not cause existing and/or proposed site visibility or pedestrian obstruction to the road or located in a County/ DOT ROW.
  - b. Signs that may require variance for internal or external illumination

- c. Proposal for new signs or change in square footage for existing signs that are wall/building mounted.
- 3. Use Variances for relocation of businesses within the same building.
- 4. Accessory Structure - EV Charging Stations
- 5. Chickens – Special Use Permit and Variance to have chickens
- 6. Lot Line Adjustment that is,
  - a. Not a part of subdivision review
  - b. Does not create land lock parcels
  - c. Does not create any land disturbance (disturbance over one acre will require a SWPPP review)
- 7. Fences (unless it is corner lot due to possible site distance issues)

The Albany County Planning Board requires the Town/City/Village to send a summary list of all non-referrals showing project name, type of action, and location within 30 days of approval.



**ATTACHMENT B**



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 A. ENGSTROM JR.,  
AICP  
CHAIRPERSON

TRAVON T. JACKSON  
VICE CHAIRPERSON

**LIST OF NON-REFERRAL ITEMS FROM TOWN OF COLONIE TO THE ALBANY  
COUNTY PLANNING BOARD  
APRIL 2023**

Minor Site Plans per § 190 of the Code of the Town of Colonie, which includes:

1. Addition or other site change affecting less than 10,000 square feet

Redevelopment Site Plans per § 190 of the Code of the Town of Colonie, which includes:

1. Commercial redevelopment on lots less than one acre which meet the following conditions:
  - a. Addition or other site change other than demolition; and
  - b. Previously developed site with a building that was occupied within the preceding 10 years.

Minor Subdivisions per § 190 of the Code of the Town of Colonie, which includes:

1. Subdivision of a parcel of land into four lots or fewer, where no new public streets are required.