

# **County of Albany**

Harold L. Joyce  
Albany County Office Building  
112 State Street - Albany, NY 12207



## **Meeting Agenda**

**Monday, June 26, 2023**

**6:00 PM**

**Harold L. Joyce Albany County Office Building  
Cahill Room - First Floor**

**Conservation, Sustainability and Green Initiatives  
Committee**

**PREVIOUS BUSINESS:**

1. APPROVING PREVIOUS MEETING MINUTES

**CURRENT BUSINESS:**

2. AUTHORIZING AMENDMENTS TO THE ALBANY COUNTY PLANNING BOARD'S LIST OF NON-REFERRAL ITEMS
3. ADOPTING THE PROPOSED ADDITIONS TO ALBANY COUNTY AGRICULTURAL DISTRICT NOS. 2 AND 3

# County of Albany

*Harold L. Joyce  
Albany County Office Building  
112 State Street - Albany, NY 12207*



## Meeting Minutes

Tuesday, April 25, 2023

6:00 PM

Harold L. Joyce Albany County Office Building  
Cahill Room - First Floor

**Conservation, Sustainability and Green Initiatives**  
**Committee**

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**PREVIOUS BUSINESS:**

**Present:** William Reinhardt, Beroro T. Efekoro, Frank J. Commisso, Samuel I. Fein, Patrice Lockart, Matthew J. Miller, Jeff S. Perlee, Victoria Plotsky and Merton D. Simpson

**1. APPROVING PREVIOUS MEETING MINUTES**

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

**CURRENT BUSINESS:**

**2. PUBLIC HEARING ON PROPOSED MODIFICATIONS TO AGRICULTURAL DISTRICT NOS. 2 AND 3**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

**3. AUTHORIZING THE PLANNING DEPARTMENT TO TAKE ACTION TO COORDINATE AND DETERMINE SEQR LEAD AGENCY STATUS FOR THE TREATMENT OF LAWSON LAKE ALGAE**

This proposal was withdrawn by the Sponsor.

**4. AUTHORIZING AGREEMENTS WITH CALIBRANT NY II, LLC, FOR THE DEVELOPMENT OF A SOLAR ARRAY AT 897 WATERVLIET SHAKER ROAD IN THE TOWN OF COLONIE**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

**5. AUTHORIZING AN AGREEMENT WITH THE NEW YORK POWER AUTHORITY REGARDING THE CLEAN DISTRIBUTED ENERGY RESOURCE GRANT PROGRAM AND AMENDING THE 2023 ALBANY COUNTY BUDGET**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

**6. ADOPTING THE RULES AND REGULATIONS FOR THE ALBANY COUNTY SUSTAINABLE TECHNOLOGY AND GREEN ENERGY (STAGE) ACT PROGRAM**

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.



DANIEL P. MCCOY  
COUNTY EXECUTIVE

DANIEL C. LYNCH  
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY  
DEPARTMENT OF PUBLIC WORKS  
449 NEW SALEM ROAD  
VOORHEESVILLE, NEW YORK 12186-4826  
(518) 765-2055 - FAX (518) 447-7047  
www.albanycountyny.gov

LISA M. RAMUNDO  
COMMISSIONER

SCOTT D. DUNCAN  
DEPUTY COMMISSIONER

May 9, 2023

Hon. Andrew Joyce, Chairman  
Albany County Legislature  
112 State Street, Rm. 710  
Albany, NY 12207

Dear Chairman Joyce:

Albany County Department of Public Works is requesting authorization to amend the Albany County Planning Board's (ACPB) list of Non-Referral items. Non referral items are those that are within the purview of Albany County Planning Board review, but are historically deferred for local consideration. Examples of proposed new non-referral items include (the entire list is included in the backup information new items are in italics):

EV charging stations  
Fences (unless it is a corner lot, which could cause site distance issues)  
New sign proposals or a change in square footage of existing signs that are wall/building mounted

Adding these items to the non-referral list would allow the Board to spend extra time on projects that have County-wide impact, and would reduce the review timeframe for the applicant by one month.

If you have any questions, please contact my office.

Sincerely,

Lisa M. Ramundo  
Commissioner

cc: Dennis Feeney, Majority Leader  
Frank Mauriello, Minority Leader  
Rebekah Kennedy, Majority Counsel  
Arnis Zilgme, Minority Counsel



# County of Albany

Harold L. Joyce  
Albany County Office  
Building  
112 State Street - Albany,  
NY 12207

## Legislation Text

**File #:** TMP-4298, **Version:** 1

### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**  
Authorization to Amend the Albany County Planning Board's Non-Referral Items

Date:	May 11, 2023
Submitted By:	Lisa M. Ramundo
Department:	Public Works
Title:	Commissioner
Phone:	518-655-7902
Department Rep.	
Attending Meeting:	Lisa M. Ramundo

#### Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

### CONCERNING BUDGET AMENDMENTS

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.  
Source of Funds: Click or tap here to enter text.  
Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.  
Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

Party (Name/address):  
Click or tap here to enter text.

Additional Parties (Names/addresses):  
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.  
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.  
Date of Adoption: Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes  No   
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes  No   
Anticipated in Current Budget: Yes  No

**County Budget Accounts:**

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**File #: TMP-4298, Version: 1**

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Revenue Account and Line: Click or tap here to enter text.  
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.  
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.  
State: Click or tap here to enter text.  
County: Click or tap here to enter text.  
Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.  
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes  No   
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.  
Date of Adoption: Click or tap here to enter text.

**Justification:** (state briefly why legislative action is requested)

Albany County Department of Public Works is requesting authorization to amend the Albany County Planning Board's (ACPB) list of Non-Referral items. Non referral items are those that are within the purview of Albany County Planning Board review, but are historically deferred for local consideration. Examples of proposed new non-referral items include (the entire list is included in the backup information new items are in italics):

EV charging stations

Fences (unless it is a corner lot, which could cause site distance issues)

New sign proposals or a change in square footage of existing signs that are wall/building mounted

Adding these items to the non-referral list would allow the Board to spend extra time on projects that have County-wide impact, and would reduce the review timeframe for the applicant by one month.





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.*

Case #	ProjectName	Applicant
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**Lot Line Adjustment**

18-210203643	Richardson Annexation	Clifton & Phyllis Richardson/Bernice Hassett
03-210203634	John Demis for Helderberg Bluestone	John Demis for Helderberg Bluestone & Marble

**Area Variance**

04-210203626	Capital Communication Federal Credit Union (CAP COM)	AJ Signs
04-210303660	Price Chopper Supermarket	Thomas Lee, Price Chopper Design Project Manager

04-210603726	Albany Baptist Church	Robert S. Gaza
07-210803762	Bare Blends	AJ Signs
10-210803778	Jimmy's Egg	Ray Sign
04-211203874	South Albany Airport	South Albany Airport Corp.

**Accessory Structure - EV Charging Stations**

**Chickens**

04 - 210103615	Bartula - Chicken Coop	Samra Bartula
13-210503712	SUP #621 - Greco	Michael Greco

**Fences**

04-210503695	1462 New Scotland Road	Brett Stone
01-210603729	Project #00424 - 380 Whitehall Road	Congregation Beth Abraham Jacob
01-210603731	Project #00416 - 40 S. Manning	Brett & Alecia Sears

ProjectLocation	ProjectZoning	TaxMapID	Municipality
26 Richardson Lane	Rural Development/Agricultural (RD/A)	127.-2-23.20	Town of Westerlo
138 Cole Hill Road	Residential/Agricultural/Forestry (RAF)	115.-1-17	Town of Berne
384 Bender Lane, Glenmont	Commercial Hamlet	97.12-1-1	Town of Bethlehem
1355 New Scotland Road, Slingerlands	Commercial Hamlet (PCD4)	74.00-1-29.2/9001	Town of Bethlehem

361 krumkill Road	Residential A District (RA)	63.00-3-20.3	Town of Bethlehem
380- 392 Feura Bush Road, Glenmont in Glenmont Plaza	Commercial Hamlet (CH)	97.15-2-3./9001	Town of Bethlehem
1800 Western Ave	Local Business District (LB)	52.09-5-10	Town of Guilderland
6 Old School Road, Selkirk	Rural Light Industrial (RLI) District	120.00-5-20	Town of Bethlehem

10/12 Dresden Court, Delmar	Multi - Family Residential	86.11-1-31	Town of Bethlehem
185 Upper Flatrock Rd	Residential Agricultural (RA)	106.-1-20	Town of New Scotland

1462 New Scotland Road & Maple Ave	Core Residential	85.06-3-16	Town of Bethlehem
380 Whitehall Road	MU-CI - Mixed-Use, Campus / Institutions	75.10-1-1.2	City of Albany
40 S. Manning Blvd	R-1M Residential, Single Family, Medium Density	64.50-2-15	City of Albany



Consideration	ActionType
Annexation/lot line adjustment to annex a right-of-way.	Annexation/lot line adjustment
Lot line adjustment to the existing two parcels. No new lots will be created.	Lot line adjustment
Area Variance to replace existing 32 sq. ft. externally lit sign with new 49 sq. ft. internally lit LEDs attached to the existing brick structure. Existing letters will be removed and channel letters will be installed on new alum facing.	Area Variance
Area variance for new branding of Market 32 signage. Same number of signs will be approved as the previous variance for quality and size. Overall size of the sign will be reduced by 102sf and it will be LED illuminated internally.	Area Variance

<p>Area variance to replace existing sign for church with a freestanding sign 6 1/2' in height and 52SF which exceeds the Town size and height requirements.</p>	<p>Area Variance</p>
<p>Area variance to allow corner tenant's additional signage of 32 SF to the south facade where only 22 SF is allowed, to increase visibility of the plaza to shoppers and motorists on Rt 9W.</p>	<p>Area Variance</p>
<p>Area variance for additional building signage over 50 SF allowable for the location.</p>	<p>Area Variance</p>
<p>Area variance to replace existing sign with new sign located in the same place on the Albany County Right-of-Way/county property.</p>	<p>Area Variance</p>

<p>Special use permit to enable installment of 4x6 coop on their property to house and raise five (5) chickens and one (1) rooster.</p>	<p>Special Use Permit</p>
<p>Special use permit to allow for up to 12 chicken (hens only) and to allow for up to 25 turkeys. The turkeys would be raised for meat and for sale.</p>	<p>Special Use Permit</p>

<p>Area variance for proposing fence that does not meet 15 feet setback requirement from property line. The setback will only be 6 feet after the fence. The fence is proposed for above ground pool.</p>	<p>Area Variance</p>
<p>Area variance for installation of 512 Linear Feet of 8-foot tall, chain link fencing; 332 feet of 8-foot tall vinyl fencing and; 438 Linear Feet of 8-foot tall metal, spaced picket fencing to increase security.</p>	<p>Area Variance</p>
<p>Area variance for installation of 58 linear feet of 6-foot; 100% opaque fencing.</p>	<p>Area Variance</p>

**Jurisdictional Determinant/  
Potential Impact**

NY 143 New York State  
Highway, Floodzone

CR2 Cole Hill Road, Inter-  
municipal boundaries between  
Town of Berne and Town of  
Westerlo, Agricultural District,  
wetlands

US Route 9W

New Scotland Road

CR 204 Russell Road, Krumkill  
Road, Blessing road

910A Feura Bush Road, Route  
9W

20 Western Ave

CR 53 Old school Road, CR 55  
Creble Road, South Albany  
Airport

Agricultural Distric

Agricultural District

85 New Scotland Road, Historic District,
187 New York State Thruway, Whitehall Road
20 Western Ave, Manning Blvd

**RefOverview**

The applicant proposes for annexation/lot line adjustment of 3.20 acres to Mr. Clifton Richardson from Bernice Hassett to sizes resulting of the parcels: parcel 1 -RICHARDSON 161.15 acres TAXID# 127-2-23.10 and parcel 2 HASSETT 5.06 acres TAX ID# 127-2-22.

This is an application for lot line adjustment of tax parcels 115.-1-17 & 115.-1-18. This adjustment will alter the parcel 17 from 100 acres to approximately 80.5 acres and parcel 18 from 57.3 to about 76.8 acres. All existing rights of way will not change from their present use. Tax parcels will continue to use the existing right of way through tax map parcel 115.-1-18 and there will be no changes to the usage for either of the parcels. There will be no physical disturbance in the area. This case (03-201203613) was reviewed by the Albany County Planning Board in December: "Disapprove: 1. The Albany County Planning Board found the supporting materials for subdivision review to be unacceptable for review purposes. All future referral applications for a subdivision review are required to include an official drawing or rendering of the proposed site and action prepared by a licensed professional engineer or surveyor. 2. Notification of the application should be sent to Town of Westerlo, including all required notices pursuant to GML §239-nn."

The applicant seeks an area variance for installation of 84"x84" internally lit sign panel on existing monument base. There will be no physical disturbance in the proposed action. The sign will be internally illuminated by LED's and connected to power at sign location.

The applicant is requesting an area variance to increase the number of allowable wall signs from 1 to 7 signs and increase the allowable sign square footage from 125sf to 255.13sf. Currently there are nine (9) exterior building signs, two (2) existing signs (SEFCU and Starbucks) will remain in place. The proposed exterior building signs will consist of seven (7) new Market 32 Brand signs. The style of the proposed signage is a hallmark of the Market 32 brand that provide the community a clear and legible preview of the services provided within the store. The number of signs shown for this renovation is equal to the number of signs currently installed and approved under a previous variance. The overall square footage of the new signs is reduced by 101.97 sf. The proposed building signs will be similar in quantity and size to other retailers that have received variance approval from the Town. The internally illuminated signs use LED lighting which results in lower energy usage. The existing nine(9) building signage is 357.1sf (two of these signs will remain in place) and the seven(7) proposed building signage is 255.13 sf. The proposed building signage has two (2) less signs and is 101.97 sf less that existing signage.

The Albany Baptist Church requests an area variance to replace their existing sign with a new sign that exceeds the Town's size limit. The current 20-year old sign is in poor condition and is supported by deteriorating wood with worn & rusty interior parts. The new sign is made of high-grade materials & will be more aesthetically appealing leading to an upgrade in the appearance of the area. The current sign is out of date, is not sufficiently large enough to include the information that the applicant needs. The current sign is 64 SF at the corner of Krumkill and Russell Road. The applicant is proposing a 52 SF sign on the lawn in front of the church's front door. The sign is 6 1/2 feet high which is the same height as the original sign. The actual sign is only 4 feet high (including the church name), with a 2 1/2 foot high pedestal. The installation of new sign does not require any significant change or does not need to be illuminated at night. The proposed size of the sign is undersized.

This is an application for installation of a wall sign at the 380-392 Feura Bush Road. The sign will be located on the south elevation of the building which faces the shops in Glenmont Plaza as well as Rt 9W. The new sign will not have any impacts on the character of the neighborhood nor create an undesirable change. The sign is intended to guide people to find the location of Bare Blends. No other feasible method was found desirable to benefit the applicant other than an additional sign. The difficulty could be viewed as self-alleged but the applicant claims that the plaza was built in a way that is difficult for the public to see the signs on Feura Bush Rd.

This is a variance application for additional building signs greater than 50SF as allowed by code. The applicant is requesting for additional 46.84 SF of signage to be allowed. No undesirable change is anticipated. The applicant believes that the total allowable footage is not enough to market the business. The lettering of the sign will not be internally illuminated. The sign lettering will be 18" tall metal letters.

The applicant proposes to install a free stand sign and as per Section 128-59(B) of the town code, no signs should be installed within the public ROW other than an official traffic sign and as per Section 128-59 (I) all signs in the Rural Light Industrial (RLI) district and Heavy Industrial District (I) should have setback not less than 10' from the highway ROW and 35' from the highway center line. The current sign has been existing over 30 years and the proposed sign is to be installed on the same spot but slightly outside the property line. In order to comply, the sign would need to be moved back towards the airport property approximately 32' so that it is setback no less than 10' front the property line.

The applicant is requesting for a special use permit to install chicken coop size 4x6x12 feet for five chickens and one rooster. The coop will be located in the backyard of their residence.

The applicant requests for special use permit to allow hens to be kept on site and for up to 25 turkeys to be raised and sold. The main purpose of the proposed use is for the production of eggs and meat. The birds require separate housing coops and pen areas. All areas will have full containment and protection capabilities.



The applicant is requesting an area variance to construct an above ground pool and to install a six feet fence. Under Article VI, Supplementary Regulations, Section 128-47, fences and free standing walls in residential districts, for corner lots, not exceeding six feet in height may be located in the front yard. The proposal is to have the fence setback six feet from the property line, leaving nine feet short of the required 15 feet. Under Article VI, Supplementary Regulations, Section 128-60, swimming pools, spas and hot tubs may not be installed in the front yard within 10 feet of any side or rear property lines or on any easement or right-of-way. The applicant's current proposal to construct above ground pool in the front yard does not meet the requirement of the Zoning Code of the Town.

This is an application for an area variance to allow 710 Linear Feet of 8-foot tall, chain link fencing, of which, 198 Linear Feet is in the front yard area, where chain link fencing is not allowed, 332 Linear Feet of 8-foot tall vinyl fencing and 438 Linear Feet of 8-foot tall metal, spaced picket fencing. The Applicant proposes to construct a needed security fence which does not comply with USDO {3 375-4( F)(8)(b)(i)(A) "Walls and fences may be located in any front yard or exterior side yard facing a street provided they are no more than four feet In height and no more than 60 percent opaque, except as required to comply with screening requirements in Section 375 4(F)(5) and (6) above." The applicant requests a variance to permit a fence eight (8) feet in height and with less than the 60% opacity requirement.

This is an application for an area variance to allow 58 Linear Feet of 6-foot tall, 100% opaque fencing in the front yard area, where 4-foot fencing is the maximum height allowed and 60% opacity is the maximum opacity allowed. The applicant states that the the property is unique is ways because of the greater amount of pedestrian and bicycle traffic which reduces the privacy of the property. New fence will replace existing fence, set back 12 feet from Myrtle Ave.

StaffRecommended	StaffRecommendedFullSecription
Defer to local consideration	1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.
Modify local approval to include	1. Notification of the application should be sent to Town of Westerlo, including all required notices pursuant to GML §239-nn. (notification to adjacent municipalities for lot line adjustment was advised as insignificant and not necessary by the County Attorney)
Defer to local consideration	1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.
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AdvisoryNote	
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1. All future site plans must show a clear representation of the proposed changes.	


1. Any necessary permits from NYS Agricultural and Markets for the sale of produce.	


**RESOLUTION NO. 446**

**AUTHORIZING AN AGREEMENT REGARDING THE EXEMPTION OF CERTAIN MATTERS FROM REFERRAL TO THE ALBANY COUNTY PLANNING BOARD**

Introduced: 11/13/07

By Conservation and Improvement Committee, Messrs. Dawson, Reilly, Cotrofeld, Aylward and Ms. McKnight:

WHEREAS, The Albany County Planning Board has requested authorization to enter into an intermunicipal agreement with the Towns of Colonie, Bethlehem, Guilderland, New Scotland and the City of Albany regarding the exemption of certain matters from referral to the County Planning Board, and

WHEREAS, In order to streamline applications and benefit citizens seeking permits, the intermunicipal agreement exempts the matters indicated below from referral to the Albany County Planning Board that are a local concern and do not have a countywide or intercommunity impact:

Exempted referrals from local planning boards regarding 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 buildings

Exempted referrals from zoning boards of appeals:

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 Variances that relate to changes to or replacement of existing signs, both free standing and building mounted, as long as the signs do not increase in square footage and are not located directly adjacent to county or state roadways.



3. Use Variances for relocation of businesses within the same building.

now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an intermunicipal agreement with the Towns of Colonie, Bethlehem, Guilderland, New Scotland and the City of Albany regarding the exemption of certain matters from referral to the Albany County Planning Board, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials

*Adopted by unanimous vote. 11/13/07*

DANIEL P. MCCOY  
COUNTY EXECUTIVE



COUNTY OF ALBANY  
DEPARTMENT OF ECONOMIC DEVELOPMENT CONSERVATION AND PLANNING  
112 STATE STREET – ROOM 1310  
ALBANY, NEW YORK 12207-2021  
(518) 447-5670

May 24, 2023

Hon. Andrew Joyce  
Albany County Legislature  
112 State St., Rm. 710  
Albany, NY 12207

Dear Chairman Joyce:

Please find enclosed a Request for Legislative Action to be considered at the June Conservation, Sustainability and Green Initiatives Committee meeting.

In accordance with NYS Agriculture and Markets Law, following the public hearing held on May 23, 2023, the proposed additions to Albany County Agricultural Districts must be approved by the County Legislature. If you have any questions, please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano  
Sr. Natural Resource Planner

cc: Dennis Feeney, Majority Leader  
Frank Mauriello, Minority Leader  
Rebekah Kennedy, Majority Counsel  
Arnis Zilgme, Minority Counsel



# County of Albany

Harold L. Joyce  
Albany County Office  
Building  
112 State Street - Albany,  
NY 12207

## Legislation Text

**File #:** TMP-4320, **Version:** 1

### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**  
Approval of modifications to Agricultural Districts

Date: 5/24/23

Submitted By: Laura DeGaetano

Department: Economic Development, Conservation and Planning

Title: Sr. Natural Resource Planner

Phone: 518-447-5670

Department Rep.

Attending Meeting: Laura DeGaetano

#### Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

### CONCERNING BUDGET AMENDMENTS

**Increase/decrease category (choose all that apply):**

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.

Source of Funds: Click or tap here to enter text.

Title Change: Click or tap here to enter text.

**CONCERNING CONTRACT AUTHORIZATIONS**

**Type of Contract:**

Change Order/Contract Amendment

Purchase (Equipment/Supplies)

Lease (Equipment/Supplies)

Requirements

Professional Services

Education/Training

Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

Settlement of a Claim

Release of Liability

Other: (state if not listed) Click or tap here to enter text.

**Contract Terms/Conditions:**

Party (Name/address):

Click or tap here to enter text.

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee:

Click or tap here to enter text.

Scope of Services:

Click or tap here to enter text.

Bond Res. No.:

Click or tap here to enter text.

Date of Adoption:

Click or tap here to enter text.

**CONCERNING ALL REQUESTS**

Mandated Program/Service:

Yes  No

If Mandated Cite Authority:

NYS Department of Agriculture and Markets 25AA

Is there a Fiscal Impact:

Yes  No

Anticipated in Current Budget:

Yes  No

County Budget Accounts:

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**File #:** TMP-4320, **Version:** 1

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Revenue Account and Line: Click or tap here to enter text.  
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.  
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.  
State: Click or tap here to enter text.  
County: Click or tap here to enter text.  
Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.  
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation

If yes, explain: Yes  No   
Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 249  
Date of Adoption: 7/11/22

**Justification:** (state briefly why legislative action is requested)

In accordance with Agriculture and Markets Law, following the hearing held May 23, 2022, the proposed additions to Agricultural Districts must be approved by the County Legislature.



# Albany County Agricultural and Farmland Protection Board

## Recommendations of the Albany County Agricultural and Farmland Protection Board Annual Agricultural District Review 2023

*Prepared by Laura DeGaetano – Albany County Department of Economic Development, Conservation and Planning March 2023*

Pursuant to Article 25-AA section 303-b of NYS Agricultural and Markets Law, the Albany County Legislature established an annual review period beginning on February 1 during which property owners may apply to add land to any of the County’s three Agricultural Districts. On behalf of the County Legislature, the County Office of Natural Resource Conservation conducted a review of all landowner applications for inclusion in a District. The findings of this review, which relied on information provided by the landowner, analysis of aerial photos, and in some cases, a field assessment of the subject parcels, have been reviewed by the Agricultural and Farmland Protection Board. Based on this review, the following report and recommendations are submitted for consideration by the County Legislature.

A total of three (3) parcels were submitted for consideration to be included in Albany County Agricultural Districts during the 30-day annual review period beginning February 1, 2023. Of the parcels submitted, one was withdrawn from consideration by the landowner. Two parcels were found to be consistent with the intent of agricultural districting and are recommended for inclusion in the appropriate Agricultural District. A portion of the Coeymans parcel was already in the District, however the boundaries and parcel number have changed. This resulted in 85 additional acres being added.

TOWN	PARCEL	# OF ACRES	AG DISTRICT	Recommendation Of AFPB	Principal Enterprise
Coeymans	131.-4-12.2	Total 155.2 Add 85	3	ADD	Livestock
Rensselaerville	126.-1-26	106	2	ADD	Sheep, Vegetables, sugarbush
<b>Total Acres Added</b>		<b>191</b>			

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Annual review of proposed additions to Albany County Agricultural Districts			
Project Location (describe, and attach a location map): Agricultural Districts #2,#3			
Brief Description of Proposed Action: Pursuant to Article 25AA section 303-b of NYS Agricultural and Markets Law, the Albany County Legislature and annual review period beginning on February 1 during which property owners may apply to add land to any of the County's three			
Name of Applicant or Sponsor: Albany County Legislature		Telephone: 518-447-7168 E-Mail: andrewjoyce@gmail.com	
Address: 112 State St. Room 710			
City/PO: Albany		State: NY	Zip Code: 12207
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,  a. Will storm water discharges flow to adjacent properties?  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Hon. Andrew C. Joyce</u> Date: _____  Signature: _____ Title: _____		



Project: \_\_\_\_\_

Date: \_\_\_\_\_

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Short Environmental Assessment Form  
 Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed modification of the Albany County Agricultural Districts will result in an additional 191 acres included in the district. The findings of this review relied on information provided by the landowner, analysis of aerial photos, and, in some cases, a field visit of the subject parcels, and review by the Albany County Agricultural and Farmland Protection Board. The recommended additions below were found to be consistent with the intent of agricultural districting as described in NYS Agricultural and Markets Law 25AA and compatible with the goals and objectives of the Agricultural Districts Law. Based on the information and analysis conducted, the modification of the agricultural district boundary was found not to have any significant adverse environmental impacts.

Coeymans 131.-4-12.2/ Livestock - Add 85 acres

Rensselaerville 126.-1-26/Sheep, Vegetables, sugarbush - Add 106 acres

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Albany County Legislature	
_____ Name of Lead Agency	_____ Date
Hon. Andrew C. Joyce	Chairman
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**RESOLUTION NO. 249**

**ADOPTING THE PROPOSED MODIFICATIONS TO ALBANY COUNTY  
AGRICULTURAL DISTRICT NOS. 2 AND 3**

Introduced: 7/11/22

By Conservation, Sustainability, and Green Initiatives Committee and Mr. Miller:

WHEREAS, Section 303-b of the Agriculture and Markets Law mandates the annual review of agricultural districts, and

WHEREAS, In connection with such review, a proposal for the modification of Agricultural District Nos. 2 and 3 has been submitted by the Agricultural and Farmland Protection Board, and

WHEREAS, The recommendations include adding 297.7 acres of actively viable farm land in the Towns of Bethlehem, Coeymans, New Scotland, Guilderland and Rensselaerville, and

WHEREAS, In conducting such review, Section 303-b of the Agriculture and Markets Law requires this Honorable Body to hold a public hearing, which public hearing was held remotely with participation instructions available on the Albany County website at 7:15 p.m. on Tuesday, May 24, 2022 for the purpose of receiving the comments of any interested persons regarding the proposed modifications, now, therefore, be it

RESOLVED, By the Albany County Legislature that the following proposed modifications to the Albany County Agricultural Districts submitted by the Agricultural and Farmland Protection Board and filed with the Albany County Clerk are hereby approved and adopted:

<b>Town</b>	<b>Tax Map No.</b>	<b>Acres</b>	<b>Ag District</b>
Bethlehem	86.00-2-22.21	14.4	3
	97.08-1-41	1.20	3
Coeymans	129.-2-15	139.5	3
New Scotland	61.-3-4.1	63.5	3
Guilderland	60.00-2-1.2	20	3
Rensselaerville	124.-1-8	13.8	2
	124.-1-7	37.90	2
	124.-1-10	7.4	2

and, be it further

RESOLVED, That a copy of the modifications shall be submitted to the New York State Commissioner of Agriculture and Markets along with a certified copy of this resolution, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote – 7/11/22*