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## **ACPB Meeting Minutes FINAL – May 18, 2023**

**NOTE:** The May 18, 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, Jeff LaFontaine & Travon Jackson.

**Board Members Absent:** Brian Crawford, Beth Lacey

**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; Brian Davis, BBL.

**Minutes:** Lynn Delaney, Secretary

**Call to Order:** Gerry Engstrom called the meeting to order at 3:35pm.

**Vote for Meeting Minutes:** The Board was unable to vote on any Meeting Minutes due to the absence of Beth Lacey and Brian Crawford.

Travon Jackson 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 Jeff LaFontaine and was also approved by Gerry Engstrom.

The Board decided to pull Case # 04-23050427, Price Chopper Signage from the list of Defers and vote on it separately.



**ACPB 5-18-23 MEETING MINUTES (cont.) - FINAL**

**Case #:** **01-230504231**  
**Project Name:** **56-64 Broad Street**

**Applicant:** Nicholas Costa - Advance Engineering  
**Project Location:** 56-64 Broad Street  
**Municipality:** City of Albany  
**Parcel Size:** 0.13 acres  
**Zoning:** Residential Townhomes (R-T)  
**Tax Map Number:** 76.65-3-17, 76.65-3-18, 76.65-3-19, 76.65-3-20  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Multiple area variance to allow for front setback on four properties.

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

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

**Staff Notes:** The applicant seeks for multiple area variance to allow for front setback for all the four properties. To allow for 1 foot front setback on all the properties where the required front setback is 0 feet. The applicant proposes to redevelop the existing parcels for residential purposes in compliance with the zoning code. It is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking. The parcels were previously developed with residential buildings but were removed and the parcels are currently vacant. Contingent on the approval of this variance, the applicant proposes the lot line adjustment and to develop the four parcels with four residential townhomes.

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

**Advisory Note:** 1. The applicant seeks multiple area variances. The City Zoning Board of Appeals should consider the precedent setting nature of allowing significant area variances to the sign code in the Residential Townhomes (R-T) zoning district.

**Case #:** **01-230504232**  
**Project Name:** **80 New Scotland Ave - Area Variance**

**Applicant:** Saxton Sign Corporation  
**Project Location:** 80 New Scotland Ave  
**Municipality:** City of Albany  
**Parcel Size:** 8.77 acres  
**Zoning:** Mixed-Use Campus/Institutional (MU-CI)  
**Tax Map Number:** 76.5-1-12  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow for a 98.54 SF wall sign where the maximum permitted is 32 SF.

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

**Juris. Determinant:** State or County Property  
**Potential Impacts:** Albany Law School

**Staff Notes:** The applicant proposes to replace the existing sign for a 98.54 SF wall sign whereas the maximum allowed under Section 375-104 and 375-507 is 32 SF. The signage is a dedication to the donor.

**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 #:** **01-230504233**  
**Project Name:** **705 Broadway (82 Montgomery St) - Area Variance**

**Applicant:** Hyatt Palace  
**Project Location:** 705 Broadway (82 Montgomery St)  
**Municipality:** City of Albany  
**Parcel Size:** 1.66 acres  
**Zoning:** Mixed-Use Downtown (MU-DT)  
**Tax Map Number:** 76.27-1-18.1  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow signage over the maximum permitted square feet.

**Action Type:** Area Variance

**Juris. Determinant:** State Road  
**Potential Impacts:** 32 N Pearl Steet, Historic District, FEMA Floodzone

**Staff Notes:** Area variance to allow for a 45.95 SF signage on both east and west elevation where the maximum permitted is 32 SF. The proposed signage are wall mounted building signs for the new Hyatt Place Albany Hotel.

**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 #:** 01-230504234  
**Project Name:** Destination Nissan - Signage

**Applicant:** Hershberg & Hershberg  
**Project Location:** 788 Central Ave  
**Municipality:** City of Albany  
**Parcel Size:** 0.16 acres  
**Zoning:** Mixed-Use Community Highway (MU-CH)  
**Tax Map Number:** 64.28-1-37  
**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow for multiple new signage for Destination Nissan.

**Action Type:** Area Variance

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

**Staff Notes:** Destination Nissan is requesting to update their existing signage as a part of their corporate rebranding. The proposed signs do not conform with the City of Albany USDO and therefore the new signs require variance for any permits to be granted. The applicant proposes to change signs to conform with manufacture's requirement. Two free standing signs are proposed where only one is permitted. The main free-standing sign is proposes to be 35 feet in height and 377.65 SF exceeding the maximum allowed height of 8 feet and 64 SF in size . A second free-standing identifies that zero emission cars are available here. Four wall signs and two directional signs are proposed where only one is permitted.

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

**Advisory Note:** 1. The applicant seeks multiple area variances. The City Zoning Board of Appeals should consider the precedent setting nature of allowing significant area variances to the sign code in the Mixed-Use Community Highway (MU-CH) zoning district.

**Case #:** **01-230504238**  
**Project Name:** **897 Broadway - Site Plan Review & Demolition Review**

**Applicant:** Northeastern Environmental Technologies Corp.  
**Project Location:** 897 Broadway (Left attached building, adjacent to parking lot located at 913 Broadway.)  
**Municipality:** City of Albany  
**Parcel Size:** 0.40 acres  
**Zoning:** Mixed-Use Form Based MU-FW  
**Tax Map Number:** 65.16-4-30  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review and demolition of 897 Broadway structure (Former Don's Moving Warehouse) to make additional parking for adjacent building located at 897 Broadway.

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

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

**Staff Notes:** The applicant proposes to demolish a portion of the existing building at 897 Broadway and construct 17 parking spaces to serve the remaining building. No new utilities are proposed. Landscaping and lighting will be provided. Less than one acre of land to be disturbed as per the Short Environmental Assessment Form. This application (01-221104104) was reviewed by the Albany County Planning Board in November 2022 for demolition of 899 Broadway structure (Former Don's Moving Warehouse) to make additional parking for adjacent building located at 897 Broadway. 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. Advisory:

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

**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 #:**

**01-230504239**

**Project Name:**

**60 Broadway - Demolition Review**

**Applicant:**

Ed Beck, Jackson Demolition Services, Inc.

**Project Location:**

60 Broadway

**Municipality:**

City of Albany

**Parcel Size:**

0.52 acres

**Zoning:**

Mixed-Use Form Based South End (MU-FS)

**Tax Map Number:**

76.15-1-9

**Referring Agency:**

City of Albany Planning Board

**Considerations:**

Demolition of building located on 60 Broadway to propose additional parking area for Adirondacks Trailways.

**Action Type:**

**Demolition Review**

**Juris. Determinant:**

Interstate Highway

**Potential Impacts:**

1787 Interstate Highway, FEMA Floodzone, Hudson River

**Staff Notes:**

The applicant proposes the demolition of a vacant 1-story commercial building , which is deteriorating, in preparation for a stone parking lot for Adirondack Trailways. A Demolition Debris Diversion Plan has been provided with the application packet for review. The contractor plans to have the concrete, brick and CMU processed onsite to be used as backfill of the foundations, which consists of 80% of the building. 15% of the building will be hauled off site as C&D and brought to the land fill. All ferrous and non-ferrous metals will be separated and recycled, which accounts for about 5% of the building. The contractor estimates about 85% of the building will be recycled and/or reused on site. Less than one acre of land to be disturbed 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 #:** 03-230504243  
**Project Name:** **Sission Lot Line Adjustment**

**Applicant:** Mitchell Sission  
**Project Location:** 1607 Switzkill Road  
**Municipality:** Town of Berne  
**Parcel Size:** 10.00 acres  
**Zoning:** Residential/Agricultural/Forestry  
**Tax Map Number:** 102.-1-1.2  
**Referring Agency:** Town of Berne Planning Board

**Considerations:** Lot line adjustment of the property to accommodate any future needs or development.

**Action Type:** **Lot Line Adjustment**

**Juris. Determinant:** County Road, Agricultural District  
**Potential Impacts:** CR 1 Switzkill Road

**Staff Notes:** The applicant proposes the lot line adjustment of the property for potential future development. After the lot line adjustment the property will consist of 10.92 acres. The property currently consists of 10 acres. The purpose of this action is to include the existing garage and house within 1607 Switzkill Road which partially lies on 1589 Switzkill Road. Both the properties are owned by the same owner.

**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 #:** 03-230504224  
**Project Name:** **12 Koko Lane Variance**

**Applicant:** David & Judy Spring  
**Project Location:** 12 Koko Lane, East Berne  
**Municipality:** Town of Berne  
**Parcel Size:** 0.86 acres  
**Zoning:** Residential/Agricultural/Forestry  
**Tax Map Number:** 80.18-1-11  
**Referring Agency:** Town of Berne Zoning Board of Appeals

**Considerations:** Area variance to allow for construction of residence on a lot smaller than the required size.

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

**Juris. Determinant:** State Road, Agricultural District  
**Potential Impacts:** 443 Helderberg Trail, Agricultural District

**Staff Notes:** The applicant proposes to build a residence on a lot smaller than the required size for the current zoning. The current lot is 125'x300' and the future residence would be a single family dwelling consisting of driveway, well and septic and a shed. The Town Code for RAF Zoning requires a minimum of 5 acres and the following setbacks 70 ft. front, 75ft side, 100ft side, and 100ft rear for a dwelling whereas the applicant proposes the following setbacks 45ft front, 160 ft. side, 95 ft. side and 25' rear.

**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 #:** 03-230504249  
**Project Name:** **Variance for 32 Glenwood Drive**

**Applicant:** Barry Zwack  
**Project Location:** 32 Glenwood Drive  
**Municipality:** Town of Berne  
**Parcel Size:** 0.30 acres  
**Zoning:** Residential/Agricultural/Forestry  
**Tax Map Number:** 92.4-1-46.200

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

**Considerations:** Area variance for the height of the proposed fence and the setback of the proposed deck.

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

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

**Staff Notes:** The applicant proposes to install a 6 feet stockade fence where a maximum of 4 feet is allowed. A variance is also required for the proposed deck/sunroom that does meet the setback requirements.

**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 #:** **04-230504229**  
**Project Name:** **Detached Garage with Accessory Apartment**

**Applicant:** Jacklyn and William Reagan  
**Project Location:** 12 Borthwick Avenue, Delmar  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 0.43 acres  
**Zoning:** Core Residential  
**Tax Map Number:** 85.16-1-55  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance for the construction of a detached garage with second floor accessory apartment that is over 264 SF of the allowed square footage.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 140 Kenwood Ave

**Staff Notes:** This is an application proposing the construction of a detached garage with a second floor accessory apartment located at the property. Under

Section 128-30 of the Town Code, in a Core Residential Zoning District an accessory building may not exceed 18 feet in height whereas the proposed height is 22 feet. The maximum coverage for accessory structures may not exceed 5% of the total lot area whereas the proposed is 6.40%. Under Section 128-73 of the Town Code, accessory apartments must be located within the main dwelling and also may not occupy more than 40% of the floor area of the main dwelling. The current proposed apartment is 1,015 SF and the maximum allowed square footage would be 867 and the proposed apartment is detached from the main building.

**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 #:**

**07-230504235**

**Project Name:**

**Regional Food Bank Parking Expansion**

**Applicant:**

Regional Food Bank of Northeastern New York

**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 proposed 42,000 SF of additional parking and internal maneuvering.

**Action Type:**

**Site Plan Review**

**Juris. Determinant:**

County Road

**Potential Impacts:**

CR 151 Albany Shaker Road

**Staff Notes:**

The applicant proposes additional 42,000 SF of parking to construct additional parking spaces and maneuvering onsite to accommodate the increase demands of the operation. The parcel consists of 74,400 SF office/warehouse/distribution building with pending approval for a 320 SF accessory building to be known as Freight Farm. No changes to curb cut is proposed. Stormwater runoff from the parking lot expansion will be controlled by a new 8' diameter drywell and existing stormwater basin. Less than one acre of land to be disturbed as per the Short

Environmental Assessment Form. This application (07-230404207) was review by the Albany County Planning Board in April 2023 for 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. 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 #:**

**07-230504244**

**Project Name:**

**Two 3-unit Apartment Buildings**

**Applicant:**

Nicholas Costa - Advance Engineering

**Project Location:**

261 Troy Schenectady Road

**Municipality:**

Town of Colonie

**Parcel Size:**

0.41 acres

**Zoning:**

Commercial Office Residential (COR)

**Tax Map Number:**

19.20-7-61

**Referring Agency:**

Town of Colonie Zoning Board of Appeals

**Considerations:**

Area variance for the proposed construction of two 3,292 SF 3-unit apartment buildings in the Commercial Office Residential (COR) zoning district.

**Action Type:**

**Area Variance**

**Juris. Determinant:**

State Road

**Potential Impacts:**

7 Troy Schenectady Road

**Staff Notes:**

The proposed construction of two 3,292 SF 3-unit apartment buildings in the Commercial Office Residential (COR) zoning district has no commercial density where more than 3,600 SF is required in order to be considered compliant with mixed-use zoning per the requirements of the Town of Colonie Land Use Law. The property was listed for lease or sale to suit office/retail building in April 2021 that could be used for one

or more tenants. However, no tenants were interested during the past two years.

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

**Case #:** 10-230504226  
**Project Name:** **1854 Western Avenue Change in Zone**

**Applicant:** Christopher Laviano  
**Project Location:** 1854 Western Avenue  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.45 acres  
**Zoning:** Single-family Residential (R15)  
**Tax Map Number:** 52.09-6-2  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Change in zoning from a Single-family Residential (R15) District to a Local Business (LB) District.

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

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

**Staff Notes:** The applicant proposes to change the current zoning from a Single-family Residential (R15) District to a Local Business (LB) District. The property is currently vacant. Zoning classification of the adjoining parcels are mostly commercial or Business Non-Retail Professional District (BNRP). The rezoning aims to utilize the area's visibility and accessibility to promote economic growth and attract businesses while ensuring a balance with the well-being of the surrounding residential community. Contingent upon the approval for rezoning, the applicant plans to construct a mixed-use building on the site. This building would feature a combination of retail spaces and residential apartment.

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

**Case #:** 10-230504228  
**Project Name:** Capital Care Kids

**Applicant:** Katie Brownell  
**Project Location:** 2558 Western Avenue  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.72 acres  
**Zoning:** General Business (GB)  
**Tax Map Number:** 39.11-3-10  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Site plan review for a proposed day care use within an existing 2,054 square feet +/- building.

**Action Type:** Site Plan Review

**Juris. Determinant:** State Road  
**Potential Impacts:** 20 Western Ave, Historic District

**Staff Notes:** The applicant proposes change in tenancy for a proposed day care use within an existing 2,054 square feet +/- building. Access to the site is provided from Western Avenue and Posson Road. The building will be used for childcare to be known as Capital Kids Care. No land disturbance is anticipated during the proposed action. The existing building consists of required water and waste water utilities.

**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 #:** 13-230504230  
**Project Name:** Lands of Gibson and Moak

**Applicant:** David and Christine Gibson  
**Project Location:** 909 and 901 Krumkill Road  
**Municipality:** Town of New Scotland  
**Parcel Size:** 73.20 acres  
**Zoning:** Residential Conservation (R2)  
**Tax Map Number:** 62.-5-5, 62.-5-9  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** Lot line adjustment along two adjoining parcels to transfer acreage to both the parcels.

**Action Type:** Lot Line Adjustment

**Juris. Determinant:** Agricultural District, Municipal Boundary

**Potential Impacts:** Agricultural District, Intermunicipal boundaries of Town of New Scotland and Town of Guilderland

**Staff Notes:** The applicants propose to adjust the existing boundaries with an exchange of parcels for future planning. 0.33 acres is proposed to be added from the lands of David and Christine Gibson to the lands of David Moak. Additionally, 2 acres of vacant field is proposes to be added to the lands of David and Christine Gibson from the lands of David Moak. No new lots are being created at this time. No land disturbances are indicated.

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

**Case #:** 18-230504227

**Project Name:** Boomhower Trust

**Applicant:** Tracy Boomhower

**Project Location:** 614 CR 405

**Municipality:** Town of Westerlo

**Parcel Size:** 3.00 acres

**Zoning:** Rural Development/ Agricultural (RD/A)

**Tax Map Number:** 174.-3-61.3

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

**Considerations:** Special use permit for the installation of tiny home.

**Action Type:** Special Use Permit

**Juris. Determinant:** County Road

**Potential Impacts:** County Route 414, County Route 405, NWI (Federal) Wetlands

**Staff Notes:** A special use permit is required for the placement of tiny home to be operated as an Airbnb. The parcel consists of existing water, septic and electric facilities. No land disturbance is anticipated during the proposed action.

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

Travon Jackson made a motion to accept the Staff Recommendation for Case #'s 01-230504231, 01-230504232, 01-230504233, 01-230504234, 01-230504238, 01-230504239, 03-230504243, 03-230504224, 03-230504249, 04-230504229, 07-230504235, 07-230504244, 10-230504226, 10-230504228, 13-230504230, 18-230504227. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

**Case #:** 04-230504247  
**Project Name:** Price Chopper - Signage  
**Applicant:** Thomas Lee, Golub Design Project Manager  
**Project Location:** 329 Glenmont Road, Glenmont  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 13.54 acres  
**Zoning:** Commercial Hamlet  
**Tax Map Number:** 97.12-2-7  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance to allow nine wall signs where one is allowed. Total square footage allowed for a sign is 125 SF whereas 243.6 SF is proposed

**Action Type:** Area Variance

**Juris. Determinant:** State Road  
**Potential Impacts:** Route 9W

**Staff Notes:** The applicant proposes the installation of wall sign for the location. Under Article VI Section 128-59 of the Town Code, only one wall sign is allowed on the building façade with 125 SF whereas the applicant proposes nine signs totally 243.6 SF. The proposed signs do not meet the requirement of channel signs.



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

**Advisory Note:** 1. The applicant seeks multiple area variances. The Town Zoning Board of Appeals should consider the precedent setting nature of allowing significant area variances to the sign code in the Commercial Hamlet zoning district.

This case was pulled from the grouping of Defers due to the multiple signs being requested. The Board reviewed the case together in detail and determined that they can still Defer it back to the Town of Bethlehem however they wanted to add an Advisory Note about the precedent setting nature of allowing so many exceptions to the sign code (noted above as Advisory Note #1). Travon Jackson made a motion to accept the Staff Recommendation for Case # 04-230504247. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

**Case #:** 01-230504240  
**Project Name:** **48 Corporate Circle - Site Plan Review**  
**Applicant:** Daniel Hershberg; Hershberg & Hershberg  
**Project Location:** 48 Corporate Circle & 41 Karner Road  
**Municipality:** City of Albany  
**Parcel Size:** 8.29 acres  
**Zoning:** Light Industrial (I-1)  
**Tax Map Number:** 41.00-2-63, 41.00-2-70  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review and development plan review for the construction of a +/- 93,000 SF warehouse building, including 190 parking spaces, and 24 loading docks.

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

**Juris. Determinant:** County Road

**Potential Impacts:** CR155 New Karner Road

**Staff Notes:** The applicant proposes to construct a 93,000± SF warehouse building with approximately twenty (24) loading docks and 93 parking spaces plus 97 banked parking including 4 ADA handicapped spaces including a lot modification combining the two lots into one. A total of 6.88 acres of land disturbance is anticipated as per the Short Environmental Assessment Form. A Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Water Management Report (SWMR) has been provided with the application packet for project review. The property is currently vacant. The proposal is located within the Albany Pine Bush Study Area, described in the 2017 Management Plan Update for the Albany Pine Bush Preserve (APBPC 2017). The Albany Pine Bush Preserve Commission (APBPC) does not anticipate that the implementation of the proposed site plan would result in potentially significant negative impacts.

**Staff Opinion:** Modify local approval to include  
1. 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.

Jeff LaFontaine made a motion to accept the Staff Recommendation for Case # 01-230504240. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** **01-230504241**  
**Project Name:** **North Gate Landing**  
**Applicant:** North Gate Landing, LLC  
**Project Location:** 500 Northern Boulevard  
**Municipality:** City of Albany  
**Parcel Size:** 6.23 acres  
**Zoning:** Mixed-Use Community Highway (MU-CH)  
**Tax Map Number:** 65.7-4-1.11  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review and development plan review for the construction of +/- 55,455 SF building, including 184 units, and 196 parking spaces. Additionally 10 accessible spaces and 5 EV charging stations.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 151 Shaker Road

**Staff Notes:** Project consists of 184 affordable apartments split between two four-story wood-framed buildings. Unit mix includes 56 1-bedroom, 90 2-bedroom, and 38 3-bedroom apartments. Exterior materials include brick, fiber cement lapped siding, fiber cement plank siding, and composite wood-look siding. There are 196 parking spaces on the site, including 10 accessible spaces and 5 electric vehicle charging stations. (All building areas and unit counts below are combined areas of both buildings.) The North Gate Landing development will include the demolition of an existing hotel structure and the construction of a new double-loaded corridor apartment building. The new building—a wood-framed, 4-story structure with a surface parking area—will be located on a 2.5-acre parcel; a portion of the original 6.23-acre hotel property. The new construction building will include a mix of façade materials. North Gate Landing’s resident amenities will include laundry facilities and broadband internet will be provided per HCR’s requirements in all units. Access to the site will be provided via one full-access curb cut on Northern Boulevard proximate to the motels existing pylon sign and removal of the two existing driveways. The project is expected to be complete and fully occupied by 2025. The proposed project is estimated to generate 69 new vehicle trips during the AM peak hour and 72 new vehicle trips during the PM peak hour.

**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.

**Advisory Note:** 1. The City should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.

Jeff LaFontaine made a motion to accept the Staff Recommendation for Case # 01-230504241. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** 01-230504242  
**Project Name:** **The Rise Downtown**

**Applicant:** 48 North Pearl Street LLC; Daniel Sanders, RA  
**Project Location:** 48 North Pearl Street  
**Municipality:** City of Albany  
**Parcel Size:** 0.19 acres  
**Zoning:** Mixed-Use Downtown (MU-DT)  
**Tax Map Number:** 76.34-2-21  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review and development plan review for the proposed expansion of an existing three story building, to include two additional stories. The additional two stories would include 20 dwelling units, office, retail or amenity space.

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

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

**Staff Notes:** The existing building has retail uses accessible from North Pearl Street and commercial office uses accessible from Chapel Street. Applicant intends to rehabilitate the building and add two floors which in total will accommodate twenty-six (26) apartments on four levels with a total of 30 bedrooms over a ground floor level (1st Floor) which will be retail space (5,200± SF) and storage space (3,200± SF). The residential lobby will be accessible from Chapel Street. No land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The additional floors will be connected to the existing water and waste water utilities. No new water and/or sewer service connections are proposed. The existing building has retail uses accessible from North Pearl Street and commercial office uses accessible from Chapel Street.

**Staff Opinion:** Modify local approval to include  
1. 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 City should ensure that adequate number of parking spaces are provided for both residential and commercial uses of the building to avoid potential traffic congestions.

Travon Jackson asked whether there is an elevator for this project. The Board checked the drawings to confirm that there is an elevator. Jeff LaFontaine made a motion to accept the Staff Recommendation for Case #01-230504242. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** 07-230504222  
**Project Name:** **3,975 SF Mini-Mart (Stewart's)**

**Applicant:** Chris Potter (Agent for Stewart's Corp.)  
**Project Location:** 1273 Central Ave & 2 Grounds Pl  
**Municipality:** Town of Colonie  
**Parcel Size:** 2.53 acres  
**Zoning:** Neighborhood Commercial Office Residential (NCOR)  
**Tax Map Number:** 42.18-5-4, 42.18-5-2  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Area variance and special use permit for the proposed construction of a 3,975 SF mini-mart with fueling station, charging stations and propane exchange.

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

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

**Staff Notes:** The applicant proposes the construction of a 3,975 SF mini-mart (Stewart's) with associated fueling station, waste refuse, charging stations, and propane exchange located in the Neighborhood Commercial Office Residential (NCOR) zoning district. The mini-mart and the fueling station is located 156 ft. from the Single Family Residential (SFR) zone and the waste refuse is at 119 ft. from the SFR where a minimum of 200 ft. is required. The proposed outside storage is not permitted in the NCOR zone as per the Town of Colonie Land Use Law and requires a special use permit. The sites currently locate a vacant commercial property (former restaurant) and has existing parking lot. The existing one story building at 1273 Central Ave to remain.

**Staff Opinion:** Modify local approval to include  
1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified

access to a state highway, or involve any change of use or expansion of an existing development on a state highway.

2. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations.

3. Review by the Albany County Department of Health for food service and other required permits should be required.

Jeff LaFontaine made a motion to accept the Staff Recommendation for Case # 07-230504222. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** **07-230504236**

**Project Name:** **Self-Storage**

**Applicant:** Christopher Bette (Agent for First Columbia)

**Project Location:** 1201 Troy Schenectady Road

**Municipality:** Town of Colonie

**Parcel Size:** 15.23 acres

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

**Tax Map Number:** 8.3-1-23.1

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

**Considerations:** Special use permit to allow for construction of five cold storage structures with 95 bays and a 3-story climate controlled self-storage facility.

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

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

**Potential Impacts:** 7 Troy Schenectady Road, Intermunicipal Boundaries of Town of Colonie and Saratoga County

**Staff Notes:** This is a proposal to convert 43,000 SF of existing office space to climate controlled self-storage, construct five cold storage structures with a total of 95 bays including motor vehicle storage and construct a 64,000 SF 3-story climate controlled self-storage facility located in the Commercial Office Residential (COR) zoning district. The proposal

requires a special use approval as the Town of Colonie Land Use Law Article V Section 190-22 O.

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

Travon Jackson made a motion to accept the Staff Recommendation for Case #07-230504236. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

**Case #:** 07-230504248  
**Project Name:** **Lincoln Ave Development - Phase 2**

**Applicant:** Lincoln Ave Development LLC  
**Project Location:** 950 5th Street, Watervliet  
**Municipality:** Town of Colonie  
**Parcel Size:** 55.40 acres  
**Zoning:** Industrial  
**Tax Map Number:** 44.10-1-32.1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the proposed 697,000 SF of commercial/industrial development between 16 buildings including internal roadways, parking, loading docks and stormwater treatment.

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

**Juris. Determinant:** Municipal Boundary  
**Potential Impacts:** Intermunicipal Boundaries of Town of Colonie and City of Watervliet

**Staff Notes:** The project site consists of an old railroad yard formerly occupied by the D & H Railroad Company. The site was used as a location for the storage of materials that were transported by the railroad company. The site was abandoned by the Railroad Company for many years and most recently was cleaned up and most of the components from the historical use of the site were removed. The project parcel is zoned Industrial (IND) and is mostly vacant, with a rehabilitated building used by Luizzi Bros. Contracting to service and repair equipment and tools and a material storage yard to support their construction business. It should be noted that the proposed project will act as Phase II of the existing Lincoln

Avenue Industrial Park at 855-861 First Street, expanding upon the previously approved Phase IA site plan into this adjacent parcel. The proposed expansion is consistent with the previously submitted overall master plan which was reviewed by the Town. The proposed development includes the rehabilitation of an existing 17,000 SF building and seven (7) proposed warehouse/office buildings with a total area of 435,000 SF consisting of three (3) 100,000 SF buildings, two (2) 20,000 SF buildings, one (1) 50,000 SF building, and one (1) 45,000 SF building. All buildings are planned to accommodate light industrial and/or commercial tenants. The proposed development also includes loading docks, trailer parking areas, vehicle parking areas, stormwater treatment facilities and a roadway network to provide access to the additional buildings consistent with the infrastructure from the approved Phase IA development. The proposed project provides a total of 441 parking spaces, with 27 accessible, ADA-compliant spaces. Project site was formerly utilized as a Railroad Operations Yard where rail cars were maintained. This application (07-210503705) was previously reviewed by the Albany County Planning Board in May 2021 for Phase 1A site plan review to develop 28+/- acres parcel with nine (9) one-story buildings of which one of the buildings will be occupied by offices and the remaining buildings will be utilized for warehouse purposes. The ACPB decision was, 'Modify local approval to include

1. There should be a coordinated review with the City of Watervliet for the proposed trucks entering and exiting the site.
2. Even though the parcel is zoned industrial, effects of heavy traffic should be considered since truck traffic will pass through residential areas to either US 9W or Route 32.

**Staff Opinion:**

Modify local approval to include

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



Jeff LaFontaine made a motion to accept the Staff Recommendation for Case # 07-230504248. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** 15-230504246  
**Project Name:** Velvet Earth Farm

**Applicant:** Dmitriy Bolotnyy  
**Project Location:** 639 County Route 351, Medusa  
**Municipality:** Town of Rensselaerville  
**Parcel Size:** 7.70 acres  
**Zoning:** Agricultural/Rural Residential (A/RR)  
**Tax Map Number:** 161.-2-15.1  
**Referring Agency:** Town of Rensselaerville Planning Board

**Considerations:** Special use permit to allow music and arts performances on the property.

**Action Type:** Special Use Permit

**Juris. Determinant:** County Road, Agricultural District  
**Potential Impacts:** County Route 351, Agricultural District

**Staff Notes:** The applicant is seeking permission for an extension of the agricultural business to include hosting intimate music events once a month during the summer months in a re-purposed barn and part of the adjacent lawn. The event venue will consist of parking with a capacity to accommodate 40 plus cars. The event will include music, workshops, two porta-potties and one washing station for a capacity of 100 people. Music is proposed between 7am and 10pm. Food and drinks will be provided at the venue

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

1. Review by the Albany County Department of Health for food service vendors should be required.
2. Notification to the Albany County Sheriff's Department should be given for review and comment on emergency access and the emergency plan.
3. Notification to the local fire department should be given for review and comment on emergency access and the emergency plan.
4. A highway work permit from the Albany County Department of Public Works should be required for all work within the right of way of CR 351.

**Advisory Note:** 1. The applicant should ensure that the structural integrity of the re-purposed barn is safe and secure for the proposed capacity of 100 people.

The Board spent time reviewing the documents submitted and added a forth modification addressing the need for a highway work permit from Albany County DPW if work is needed within the right of way of CR 351 (noted above as modification #4). In addition, the Board asked to add an advisory note regarding the structural integrity of the re-purposed barn (noted above as Advisory #1).

With these changes added, Travon Jackson made a motion to accept the Staff Recommendation for Case #15-230504246. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

**Case #:** 18-230504245  
**Project Name:** Denise Wright - Subdivision

**Applicant:** Denise Wright  
**Project Location:** 708 CR 405 Westerlo  
**Municipality:** Town of Westerlo  
**Parcel Size:** 59.90 acres  
**Zoning:** Rural Development/Agriculture (RD/A)  
**Tax Map Number:** 174.-2-4.10  
**Referring Agency:** Town of Westerlo Planning Board

**Considerations:** Two lot minor subdivision to divide the land into Lot 1 consisting 10 acres and Lot 2 consisting 49.9 acres.

**Action Type:** Subdivision Review

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 403

**Staff Notes:** The applicant proposes to subdivide the property into two lots for residential purposes. Lot 1 will consist of 10 acre and Lot 2 will consist of the remaining 49.9 acres. One acre of land disturbance is anticipated as

per the Short Environmental Assessment Form (SEAF). The Code Enforcement Office of the Town confirmed that the total acreage of land disturbance is less than one acre and that the SEAF was incorrectly filled by the applicant. New well and septic is proposed for the subdivided lots. Access via County Route 405 is proposed for the Lot 1.

**Staff Opinion:**

Modify local approval to include

1. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.
2. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits should be required due to the proposed new well and septic on Lot 1.

Travon Jackson made a motion to accept the Staff Recommendation for Case # 18-230504245. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

**Unfinished Business:**

Gopika passed out the updated list of Non-Referral items for the Town of Colonie and spoke about some of the changes in language (see Attachment A).

**New Business:**

The Board is reminded that 3 voting members must be in attendance to meet quorum requirements. As summer approaches, please let Gopika and Lynn know if you have a conflict for an upcoming meeting. As much notice as possible is very helpful.

The next meeting of the Albany County Planning Board will be held on June 15, 2023 and the deadline for municipalities to submit cases for review is June 5, 2023.

**Adjourn:** Travon Jackson made a motion to adjourn at 4:25pm.



**ATTACHMENT A**



DANIEL P. MCCOY  
COUNTY EXECUTIVE

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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  
MAY 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. (Proposal for new well and/or septic should require review by Albany County Department of Health)

(Any changes to existing ingress/egress on a state or county highway or a proposal for new access for the above actions should require review by Department of Transportation or Albany County Highway Department as required.)

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