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GERALD ENGSTROM JR.,
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TRAVON T. JACKSON
VICE CHAIRPERSON

ACPB Meeting Minutes – November 16, 2023

NOTE: The October 19, 2023 meeting of the ACPB was held in person at the Albany County DPW office in Voorheesville. The meeting was also available remotely via Microsoft Teams for the public to participate.

Board Members Present: Gerry Engstrom, Brian Crawford, Beth Lacey & Jeff LaFontaine.

Board Members Absent: Travon Jackson

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

Guests: Dan Hershberg, Hershberg and Hershberg, Leslie Lombardo, Town of Bethlehem.

Minutes: Lynn Delaney

Call to Order: Gerry Engstrom called the meeting to order at 3:36 pm.

Vote for Meeting Minutes: The Board was unable to vote on the October, 2023 Meeting Minutes due to the Absence of Travon Jackson.

Past Board Member Acknowledgment: Gerry Engstrom asked to take a moment to acknowledge the contributions to the Planning Board by Bill Anslow, Albany County Civil Engineer, who passed away on November 9, 2023. Bill had been an advisor to the Board for many years (Ex-Officio) until his retirement in March of 2023. The Board conveyed their sympathy to the Anslow family as well as to the DPW staff members who had the privilege of working with him. Gerry asked those attending the meeting to observe a moment of silence in Bill's memory.

ACPB Meeting Minutes - November 16th, 2023 (cont.)

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

Case #:	<u>17-231104373</u>
Project Name:	Bulmer - Subdivision Review
Applicant:	James Bulmer
Project Location:	609 25th Street & 2507 6th Avenue
Municipality:	City of Watervliet
Parcel Size:	0.24 acres
Zoning:	Two Family Residential (R2)
Tax Map Number:	32.42-1-23, 32.42-1-25
Referring Agency:	City of Watervliet Planning Board
Considerations:	Subdivision review to keep the garage with the applicant's primary residence on 609 25th Street.
Action Type:	Subdivision Review
Juris. Determinant:	Municipal Boundaries
Potential Impacts:	Intermunicipal Boundaries of City of Watervliet and Town of Colonie
Staff Notes:	The applicant owns two properties (609 25th Street & 2507 6th Avenue) that are connected at the rear. The proposal is to move the property line in order to keep the garage that is currently on 2507 Sixth Avenue with the primary residence at 609 25th Street. A total of 2,259 SF will be added to the property at 609 25th Street bringing the total footage to 7,259 SF. No changes to the access or parking for either parcel is proposed.
Staff Opinion:	Defer to local consideration 1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 03-231104375
Project Name: **Solar Array**

Applicant: Amy Matherson
Project Location: 1640 Helderberg Trail
Municipality: Town of Berne
Parcel Size: 0.30 acres
Zoning: Traditional Neighborhood/Mixed Use (TNMU I)
Tax Map Number: 79.1-1-11
Referring Agency: Town of Berne Planning board

Considerations: Site plan review for the installation of 6.075 KW DC Code compliant roof mounted solar array in a historic district.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 443 Helderberg Trail Road

Staff Notes: This is an application for the approval of interlock kit installation of 6.075 KW DC code compliant roof mounted solar array in the historic district of Town of Berne. Section 190-21 C) of the Town of Berne Code authorizes the Berne Town Planning Board to review and approve plans for the construction, alteration, repair, or demolition of structures or the moving of structures in the Town approved historic district before a building permit can be issued by the Building Code Administration for such work.

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 #: 03-231104376
Project Name: **JMW Estates Inc. - Minor Subdivision**

Applicant: JMW Estates Inc.
Project Location: 631 Irish Hill Road
Municipality: Town of Berne
Parcel Size: 14.55 acres
Zoning: Residential/Agricultural/Forestry (RAF)
Tax Map Number: 79.-3-7.2
Referring Agency: Town of Berne Planning Board

Considerations: Two lot subdivision of the parcel into Lot 1 with 9.53 acres and Lot 2 with 5.02 acres.

Action Type: **Subdivision Review**

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

Staff Notes: The applicant proposes to subdivide the existing parcel to create two lots, consisting of 9.53 acres and 5.02 acres. The 9.53 acre parcel will be retained by the applicant and the 5.02 acres parcel will be sold. The parcel is currently vacant.

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

Case #: 04-231104366
Project Name: **Frueh Mine Expansion**

Applicant: Peter Frueh
Project Location: 117 Old Quarry Road, Feura Bush
Municipality: Town of Bethlehem
Parcel Size: 11.90 acres
Zoning: Rural Light Industrial
Tax Map Number: 108.00-1-8.1
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and special use permit to expand on existing limestone quarry from 13 acres to 28 acres. SEQR was completed by NYSDEC and a permit was issued on 07/26/2023.

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

Juris. Determinant: County Road, Agricultural District
Potential Impacts: CR 102 Old Quarry Road

Staff Notes: Frueh Mine proposes renewal of NYSDEC permit #4-0122-00200/0001 for the operation of a limestone quarry for the primary purpose of supplying materials for Peter K Frueh, Inc. construction projects. Application includes request to expand the Life of Mine (LOM) by 12.49 acres to accomplish reduced vertical height of the west face of the mine, optimized alignment of the entrance haul road and lowered stormwater management area within the LOM. Production, traffic and operation is anticipated to remain the same with minimal impacts in regards to noise, groundwater, stormwater, visual and traffic. During the 2016 to 2021 permit term the mine has continued progressing operations to the western boundary of the LOM. Operations were run in accordance with the active Permit and no complaints were filed to our knowledge. Any topsoil and overburden stripped from the sloped areas was stored in the LOM as required by the permit. All areas are still active and therefore reclamation has not begun at this site. It is intended that within this permit term once the haul road is shifted to the west, the displaced rock to the east of the road will be reclaimed and that slope will top soiled and permanently restored. An amended Mined Land Reclamation permit renewal was issued by the New York State Department of Environmental Conservation effective on July 26, 2023 and will expire on July 25, 2028.

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 #: 07-231104362
Project Name: **Bank of America - Parking Addition**

Applicant: Baldwin 820 Realty LLC
Project Location: 804 Loudon Road
Municipality: Town of Colonie
Parcel Size: 0.77 acres
Zoning: Highway Commercial Office Residential (HCOR)
Tax Map Number: 19.18-3-19
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the renovation of the existing parking area to include re-pavement and re-striping.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 9 Loudon Road

Staff Notes: This application proposes renovations to the sidewalk and parking area of an existing Bank of America location. These renovations are to include the milling, re-pavement and re-striping of the entire parking area, the removal and replacement of three sections of concrete curb, the removal of the existing concrete sidewalk and replacement with a new sidewalk including two new accessible concrete ramps, the installation of two new parking signs, the installation of a new area light and relocation of another, the relocation of the existing trash enclosure, the relocation of two existing red maple trees, and the planting of 6 Thuja X Green Giant arborvitaes. Less than one acre of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The site has an existing water and wastewater facilities. No changes to this connection are proposed.

Staff Opinion: Defer to local consideration

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

Case #: 07-231104364
Project Name: **Free Standing Sign - Montage Living Community**

Applicant: AJ Signs/Montage Living Community
Project Location: 4 Everett Road Ext.
Municipality: Town of Colonie
Parcel Size: 2.18 acres
Zoning: Neighborhood Commercial
Tax Map Number: 54.13-1-24.3
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Special use permit for the proposed installation of an off premises 84 SF free standing sign.

Action Type: **Special Use Permit**

Juris. Determinant: County Road
Potential Impacts: CR 155 Everett Road Extension

Staff Notes: The proposed construction of an off premises 84 SF free standing sign located in the Neighborhood Commercial Office Residential (NCOR) zoning district requires a special use permit as per the land use law of Town of Colonie.

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

Case #: 07-231104368
Project Name: Change of Use - Fast Food Establishment

Applicant: Vicente Merino Martinez
Project Location: 215 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 4.40 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 31.8-5-18
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the proposed change of use to a pre-existing non-confirming structure to a convenience food store and fast food establishment.

Action Type: Area Variance

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

Staff Notes: The proposal is to change the use to a pre-existing nonconforming structure to a convenience food store and fast food establishment, located in the Commercial Office Residential zoning district , has a side yard setback of 20 feet from the boundary line of an adjacent lot with an existing Single-Family use where a minimum of 25 feet is required as stated in the Town of Colonie Land Use Law.

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

Advisory Note: 1. Review by the Albany County Department of Health for food service and other required permits should be required.

Case #: 07-231104371
Project Name: **Goldstein Jeep EV Charger Installation Project**

Applicant: Brian Fetterman (Agent for Plug In Stations)
Project Location: 1 Autopark Road (1 Wellness Way), Latham
Municipality: Town of Colonie
Parcel Size: 10.80 acres
Zoning: Highway Commercial Office Residential (HCOR)
Tax Map Number: 9.4-3-1.2
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the installation of EV charging stations in the front yard.

Action Type: **Area Variance**

Juris. Determinant: State Road
Potential Impacts: 9 Loudon Road

Staff Notes: The proposal to install four EV charging stations in the front yard of an existing car dealership located in the Highway Commercial Office Residential (HCOR) zoning district has a front yard setback of 15 feet where a minimum of 20 feet is required as per the Town of Colonie Land Use Law.

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

Case #: 10-231104372
Project Name: **Cold Storage Building**

Applicant: S&L Roofing + Sheetmetal
Project Location: 5640 Depot Road, Voorheesville
Municipality: Town of Guilderland
Parcel Size: 13.00 acres
Zoning: Industrial (IN)
Tax Map Number: 61.00-1-26.3
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit to include a 3rd building for cold storage at an existing roofing contractor yard.

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

Juris. Determinant: County Road
Potential Impacts: CR 208 Depot Road

Staff Notes: A 40x40 cold storage building is proposed with no electric or running water facilities. The roof and siding is to be matched with the existing two warehouse buildings on site. The proposed building will be used for equipment storage and to keep the property clean. Less than one acre of land disturbance is anticipated during the proposed action.

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

Case #: **18-231104363**
Project Name: **Bishop - Special Use Permit**

Applicant: Kathleen Bishop
Project Location: 3867 SR 85
Municipality: Town of Westerlo
Parcel Size: 2.00 acres
Zoning:
Tax Map Number: 127.-2-27.30
Referring Agency: Town of Westerlo Planning Board

Considerations: Special use permit to place RV on a vacant lot as per Local Law 3 of 2022.

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 85 Delaware Tpke, Agricultural District

Staff Notes: The applicant is seeking special use permit to place a travel trailer on a vacant lot as per Local Law 3 of 2022. This lot has an approved well and septic on it. They were installed in the 90's for a house that was not built.

Section 14.110 states that no unoccupied trailer shall be left on a vacant lot, without a special use permit approved by the Town planning board. No occupied trailer shall be used as a year-round occupancy.

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.

Beth Lacey made a motion to accept the Staff Recommendation for Case # 17-231104373, 03-231104375, 03-231104376, 04-231104366, 07-231104362, 07-231104364, 07-231104368, 07-231104371, 10-231104372 & 18-231104363. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford and Gerry Engstrom.

Case #:

01-231104370

Project Name:

Clinton Avenue Phase III Redevelopment Project

Applicant:

Adam Driscoll, Development Manager for Home Leasing

Project Location:

123, 124, 125, 126, 127, 128, 129, 130, 131, 132 & 133 Henry Johnson Blvd; 238, 240, 241, 242, 248 & 250 First St; 72, 180, 233, 325, 327, 331, 331, 333, 337 & 339 Clinton Ave

Municipality:

City of Albany

Parcel Size:

18.61 acres

Zoning:

Two - Family, Single Family Medium Density, Mixed Use Neighborhood Edge, Mixed Use Community Urban (R-2, R-M, R-T, MU-NE and MU-CU)

Tax Map Number:

65.64-4-27,28,31,32,33,34,35,65.81-2-19,65.64-5,1,2,3,4,5,6,7,8,19,20,22,23, 65.64-5-16 and 17, 65.73-4-57, 65.64-5-19 and 20, 76.26-1-2

Referring Agency:

City of Albany Planning Board

Considerations:

Site plan review and development plan review for the construction of a 42,903 SF mixed-use building to accommodate 38 dwelling units and 2,550 SF of general retail space at the corner of Henry Johnson Boulevard & First Street. Construction of six townhouses with 2 dwelling units in each along Henry Johnson Boulevard and at 241 First Street is also proposed. Demolition of an existing building at 180 Clinton Avenue and construction of 4 townhouses with 3 dwelling units each.

Action Type:	Site Plan Review, Development Plan Review
Juris. Determinant:	State Road
Potential Impacts:	9 Henry Johnson Blvd, 9 Clinton Avenue, Historic District
Staff Notes:	<p>Site plan review and developmental review for the following proposed actions:</p> <ol style="list-style-type: none"> 1. Proposed construction of a new mixed-use building with 2,550-sf of commercial space and 38 affordable multi-family units with associated site improvements including a parking lot, parklet and stormwater management facility. Building to be located on the easterly side of Henry Johnson Blvd. between Clinton Ave and First Street. The properties fall in the zoning districts of MU-CU and MU-NE. As such, a Conditional Use Permit for "General Retail" will need to be obtained for the portion of the building that falls in the MU-NE zoning district (630 sq. ft.). 2. Construction of 5 townhouses (2 units each) with associated site improvements including parking lot and stormwater management facility on 248, & 250 First St, 125, 127, 129, 131 & 133 Henry Johnson Blvd. 3. The following parcels to be combined: 124,126,128,130,132 Henry Johnson Blvd. (Tax IDs: 65.64-5-1, 65.64-5-2, 65.64-5-3, 65.64-5-4, 65.64-5-5); 238, 240, 242 1st St. (Tax IDs: 65.64-5-8, 65.64-5-7, 65.64-5-6); 339 Clinton Ave.(Tax ID 65.64-5-23); portion of 337, 333, 331 (Tax IDs 65.64-5-22, 65.64-5-21, 65.64-5-19); for construction of a new mixed use building with 2,550-sf of commercial space and 38 affordable multi-family units and associated site improvements including parking lot, playground and stormwater management facility. 4. Proposed construction of four townhouse dwellings (12 units total) on 180 Clinton Avenue. Project includes demolition of existing laundromat and subdivision of original parcel into 4 lots. 5. Proposed construction of two townhouse dwellings (6 units) on 325 & 327 Clinton Ave. 6. Proposed construction of a single townhouse dwelling (3 units) on 233 Clinton Avenue. 7. Proposed construction of two townhouse dwellings (6 units) on 331 & 333 Clinton Ave. Properties will require lot line adjustment with portion of property being combined with separate mixed use application. 8. Proposed construction of a single townhouse dwelling (3 units) on 72 Clinton Avenue. 9. Home Leasing is seeking Site Plan, Minor Subdivision, & Lot Modification Approvals from the City of Albany Planning Board, to construct 4 new townhomes with 3 units each (12 total units) on 180

Clinton Avenue. The project will use existing public water and wastewater; new utility service connections as required for proposed units. The building is recorded as non contributing to the Clinton Avenue Historic District. The site has been designated by DEC as an inactive hazardous waste site and demolishing the building will allow for the site as a whole to be remediated through the Brownfield Clean Up program. The total proposed ground disturbance is anticipated to be 1.67 acres.

Staff Opinion:

Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
2. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required.

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.

Gerry Engstrom inquired about parking for this project. Beth Lacey commented that there is a small parking area within this planned project.

Brian Crawford made a motion to accept the Staff Opinion for Case # 01-231104370. The motion was seconded by Beth Lacey and was also approved by Jeff LaFontaine and Gerry Engstrom.

Case #: 04-231104365
Project Name: Lands of Becker

Applicant: Fred J Becker & Susan L Hulick
Project Location: 1208 US Route 9W, Selkirk
Municipality: Town of Bethlehem
Parcel Size: 7.09 acres
Zoning: Rural Hamlet/ Residential A
Tax Map Number: 121.04-1-5
Referring Agency: Town of Bethlehem Planning Board

Considerations: Two lot subdivision to separate residential portion of the property from commercial portion.

Action Type: Subdivision Review

Juris. Determinant: State Road
Potential Impacts: US-9W

Staff Notes: This is an application for two lot subdivision to separate residential and commercial portions of the property. Lot 1, 2.852 acres on Route 9W, to be for commercial use by Backyard Sheds, requiring a revised site plan. Lot 2, 4.239 acres on Neil Boulevard with existing house and septic system, to be retained by Fred and Susan Becker for residential use. This is also a site plan amendment for the construction of a 24'x26' wood frame building to be used as an office and storage space for backyard sheds (business owned by the applicant) on a parcel of 2.852 acres to be separated off the remainder of his lands. Two regular parking spaces and one handicapped space will be delineated adjacent to this structure in the gravel parking/display area. This building will contain only one half-bath and no bedrooms, so a relatively small conventional septic system will be installed alongside. A small in-ground septic system is proposed to handle wastewater. The remainder portions of the 2.852 acres that is not within the wetlands shall be utilized for display of small barns, sheds and customer parking. The property consists of existing drainage structures along Neil Boulevard. Less than one acre of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Modify local approval to include
1. Review by the Albany County Department of Health for the proposed septic system on Lot 2 should be required.

Beth Lacey made a motion to accept the staff recommendation for 04-2301104365. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford and Gerry Engstrom.

Case #: **05-231104374**

Project Name: **TeRiele Subdivision**

Applicant: Bernard TeRiele III

Project Location: 35 Cedar Grove Road

Municipality: Town of Coeymans

Parcel Size: 6.27 acres

Zoning: Residential Agricultural (R/A)

Tax Map Number: 131.-3-19.1

Referring Agency: Town of Coeymans Planning Board

Considerations: Two lot subdivision of the parcel into Lot A with 2.05 acres and Lot B with 4.22 acres.

Action Type: **Subdivision Review**

Juris. Determinant: County Road, Municipal Boundaries

Potential Impacts: CR 301 Cedar Grove Road, Agricultural District, Intermunicipal Boundaries of Town of Coeymans and Town of New Scotland

Staff Notes: The applicant proposes to subdivide the existing 6.39 acres into two lots. The proposed lots will be Lot A 2.05 acres with existing mutli-unit dwelling and carport and Lot B 4.22 acres with garage, barn, carport and muti-unit dwelling.

Staff Opinion: Modify local approval to include
1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed access to Lot B via Lot A as shown on the site plan.

Brian Crawford made a motion to accept the Staff Recommendation for Case #05-231104374. The motion was seconded by Beth Lacey and was also approved by Jeff LaFontaine and Gerry Engstrom.

Case #: 07-231104369
Project Name: **New Construction - 3 Story**

Applicant: Lynn T Sipperly, L. Sipperly & Associates
Project Location: 612 Watervliet Shaker Road
Municipality: Town of Colonie
Parcel Size: 0.92 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 31.1-5-16
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Special use permit for the proposed new construction of a three-story climate controlled self-storage facility.

Action Type: **Special Use Permit**

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

Staff Notes: The applicant proposes to redevelop the previously developed parcel with a 3-story climate controlled self-storage facility. The project involves two adjacent parcels (612 Watervliet Shaker Road and 20 Denise Drive). One parcel formerly developed with restaurant/bar which has been demolished (612 Watervliet Shaker Road). The second is occupied with a one-story house/office (20 Denise Drive). The proposed new construction is subject to special use permit review and approval by the Zoning Board of Appeals. The proposed building has a footprint area of 24,290 SF and would encompass a total of 72,870 SF. At the southerly end of the building is a loading/unloading dock for larger items via a U-Haul box truck or similar vehicle type. The site proposes to use the existing curb cut on Watervliet Shaker Road and two curb cuts on Denise Drive for site access, ingress/egress. The site proposes 9 parking spaces plus 2 spaces at the entrance canopy and includes one handicap parking space. The proposed self-storage land use for this site is fully compatible with adjacent existing land uses. One acre of land will be disturbed during the proposed redevelopment and stormwater will be discharged to the Town of Colonie and NYSDOT drainage system as per the Short Environmental Assessment Form (SEAF). The building will be serviced by municipal water and sanitary sewer which are located in Denise Drive.

Staff Opinion: Modify local approval to include
1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution

Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.

2. Review and permits by New York State Department of Transportation for commercial property development plans 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.

Jeff LaFontaine made a motion to accept the Staff Recommendation for Case # 07-231104369. The motion was seconded by Beth Lacey and was also approved by Brian Crawford and Gerry Engstrom.

Case #: 13-231104367
Project Name: **Lands of Long Lumber**
Applicant: Hershberg Engineering
Project Location: 2080 New Scotland Road
Municipality: Town of New Scotland
Parcel Size: 18.44 acres
Zoning: Hamlet District Extension HD-E
Tax Map Number: 84.-1-28
Referring Agency: Town of New Scotland Planning Board

Considerations: Area variance for the proposed 50 unit condo project that requires street parking and bike lanes on a private street. Site plan review to construct 50 unit condos served by public water and sewer.

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

Juris. Determinant: County Road, State Road
Potential Impacts: CR 308 New Scotland Road, 85 New Scotland Road, Agricultural District, FEMA Flood zone

Staff Notes:

The applicant proposes to develop the land for 50 units which will consist of thirteen buildings. Each buildings will be 2-story with eleven of them being 4 unit and two 3 unit. All with a split of 2 and 3 bedrooms. The buildings are intended to be sold as condominiums. the development will maintain 45% open space. A new private road with a side walk along both sides. Each unit will have a garage parking spaces is proposed. Area variances are requested to eliminated the requirement to provide on-street parallel parking and bike lanes. A new private stormwater management system is proposed and it is to consist of new collection storm sewer with catch basins and structures and Stormwater Pollution Prevention (SWPPP). This will be privately owned, operated and maintained by the owner. A new public water main to serve these units requiring approximately 900 lineal feet of new 8-inch water main and dedicate this to the Town of New Scotland once completed, inspected and accepted. Installation of a new private sanitary sewer system to serve these units. This will consist of new collection sewer with a septic tank, collection sewer, manhole structures and package Wastewater Treatment Facility which will discharge to the Vloman Kill. This will be constructed in accordance with all NYSDEC and the Albany County Health Department requirements. The applicant proposes to dedicate this system to the Town of New Scotland once completed, inspected and accepted. The site is currently vacant with minor encroachment from the ad joiners property. The site is located on 2080 New Scotland Road (Route 85) in the Town of New Scotland adjacent to Long Lumber. A portion was occupied by a gravel driveway and outbuilding. The balance of the site is forested with a stand of primarily hardwoods with a few coniferous trees. The site has frontage on Route 85.

Staff Opinion:

Modify local approval to include

1. This application is being reviewed for area variance only and not site plan review. The Albany County Planning Board recommends that this application should be sent back for a separate site plan review and that all future application be sent for variance review before site plan review to assess the zoning compliance of the proposed project.

Gerry Engstrom inquired about the reason for the Modification. Gopika told him that both the Area Variance and Site Plan Review applications were submitted at the same time. The Town does not have the Site Plan Review on their Town agenda for this month so we will only approve Area Variance at this time and they will need to resubmit the Site Plan Review request.

Beth Lacey made a motion to accept the Staff Recommendation for Case # 13-231104367. The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine and Gerry Engstrom.

Old Business: We are still waiting for the County Legal Dept. to complete the review of the Non-Referral items. It did go through Legislative approval but was then flagged by the Legal office to double check on the wording. We hope to know more by the next meeting. In addition, we have not heard anything more about the Bylaw updates as Legal wants to get the Non-referral documents completed first.

New Business: The next meeting is scheduled for December 21, 2023 at 3:30pm and the deadline for Municipalities to submit their referral requests is December, 11, 2023. Lynn Delaney, ACPB Secretary, asked that all Board Members please check their travel plans now as it is very close to the Christmas holiday. If we will not have enough Board Members to meet our quorum requirements, it will be difficult to reschedule so we would need as much notice as possible. All Board Members present do not foresee a conflict.

The calendar of the 2024 meeting dates is now available and was emailed to all Board Members. The ACPB meetings are always the 3rd Thursday of the Month unless we have to hold a special meeting or we are unable to meet our quorum requirements on that day.

Adjourn: Jeff LaFontaine made a motion to adjourn at 3:58pm.