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## **ACPB Meeting Minutes – February 15, 2024**

**NOTE:** The February 15, 2024 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, Travon Jackson & Brian Crawford.

**Board Members Absent:** Beth Lacey, Jeff LaFontaine

**Albany County Public Works Office:** Gopika Muddappa, Senior Planner; Lynn Delaney ACPB Secretary, Caroline Dule, Albany County Stormwater Program Technician; Zachary Smetana, Albany County Dept. of Management and Budget, Ex Officio; David Reilly, Commissioner of Albany County Management and Budget; Monica Miranda, Comptroller's Office Ex Officio.

**Guests:** Neil Griffen and Lynne Jackson (interested in the Warehouse Project located on Morris Road in Guilderland); Jared George, JRG Builders; Susan Laurilliard, Albany County Legislator and Town of Colonie resident; Ed Ackroyd, Town of Knox Planning Board.

**Minutes:** Lynn Delaney, Secretary

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

### **Vote for Meeting Minutes:**

January 2024 – Travon Jackson made a motion to accept the January 22, 2024 meeting minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

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

## **ACPB 2-15-24 MEETING MINUTES (cont.)**

**Case #: 01-2402040425**

**Project Name: 911 Central Avenue - Area Variance**

**Applicant:** Adirondack Sign Co. LLC

**Project Location:** 911 Central Avenue

**Municipality:** City of Albany

**Parcel Size:** 13.80 acres

**Zoning:** Mixed-Use Community Highway (MU-CH)

**Tax Map Number:** 53.75-1-2

**Referring Agency:** City of Albany Zoning Board of Appeals

**Considerations:** Area variance to allow for two wall signs that exceed the allowed 32 SF.

**Action Type:** Area Variance

**Juris. Determinant:** Interstate Highway, State Road

**Potential Impacts:** I90, 5 Central Avenue

**Staff Notes:** The applicant proposes to install two wall signs that are each 84.58 SF whereas the maximum permitted is 32 SF. Therefore an area variance is requested.

**Staff Opinion:** Defer to local consideration

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

**Case #: 11-2402040431**

**Project Name: Solar Moratorium Extension - Town of Knox**

**Applicant:** Town Board of Knox

**Project Location:** Town of Knox

**Municipality:** Town of Knox

**Parcel Size:** N/A

**Zoning:** N/A

**Tax Map Number:** N/A

**Referring Agency:** Town Board of Knox

**Considerations:** Extension of one year moratorium on solar projects in the Town of Knox to another six months or until the adoption of the new solar law, whichever comes first.

**Action Type: Amendment to Local Law**

**Juris. Determinant:** N/A

**Potential Impacts:** N/A

**Staff Notes:** The Town of Knox proposes to extend the one year solar moratorium to another six months that began in April 2023. The purpose of these zoning regulations are to: 1. Support energy independence and community resiliency by taking advantage of a safe, abundant, renewable and non-polluting energy resources; 2. Accommodating solar energy systems while balancing the potential impact on the environment, neighbors and the community; 3. Establishing provisions for the placement, design, construction, and operation of such systems to be consistent with the Town of Knox Comprehensive Plan, as may exist and as may be amended from time to time; and 4. Furthering the health, safety and welfare of the public. This application (11-231004357) was previously reviewed by the Albany County Planning Board in October 2023 for adoption of local law to implement one year moratorium on solar projects in the Town of Knox which was approved during the Town Board meeting in April 2023. The ACPB determination was, 'Modify local approval to include 1. Any proposed adoption/amendment of zoning ordinance or local law is subject to review by the Albany County Planning Board before it is approved at the local level pursuant to GML-239. The approved moratorium should have been sent for review before it was approved by the Town of Knox in April 2023.'

**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 #: 03-2402040434**

**Project Name: Hilltown Healthcare Road Sign**

**Applicant:** Jill Martin/ Hilltown Healthcare

**Project Location:** 1705 Helderberg Trail, Berne

**Municipality:** Town of Berne

**Parcel Size:** 2.10 acres

**Zoning:** Hamlet

**Tax Map Number:** 78.2-1-10

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

**Considerations:** Area variance for the proposed 10 SF commercial sign for the healthcare instead of the allowed 6 SF.

**Action Type:** Area Variance

**Juris. Determinant:** State Road

**Potential Impacts:** 443 Helderberg Trail

**Staff Notes:** The applicant proposes a commercial sign for the Hilltown Healthcare that is 10 SF instead of the allowed 6 SF. Therefore an area variance is requested.

**Staff Opinion:** Defer to local consideration

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

**Case #: 07-2402040424**

**Project Name: Lands of Schuyler Meadows Club**

**Applicant:** Michael Rezey

**Project Location:** 17 Schuyler Meadows Club Road

**Municipality:** Town of Colonie

**Parcel Size:** 117.40 acres

**Zoning:** Single Family Residential (SFR)

**Tax Map Number:** 43.2-1-25.1

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

**Considerations:** Subdivision review to merge 4,936 SF of lands of Siena College into lands of Schuyler Meadows Club. The subject property is currently undeveloped.

**Action Type:** Subdivision Review

**Juris. Determinant:** State Road

**Potential Impacts:** 155 Watervliet Shaker Road

**Staff Notes:** This is a proposal to merge 4,936 SF of lands of Siena College into lands of Schuyler meadow Club. Both the properties are located in Single Family Residential District. The purpose of the lot line adjustment and conveyance is to encompass improvements constructed by Schuyler Meadows Club onto lands of Siena College. The subject parcel is a modified rectangular parcel measuring 30' in depth by 182' in length.

**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 #: 10-2402040432**

**Project Name: State Farm Road - Area Variance**

**Applicant:** JRG Builders, LLC

**Project Location:** Nott Road

**Municipality:** Town of Guilderland

**Parcel Size:** 35.46 acres

**Zoning:** Rural Agricultural-3 District (RA3)

**Tax Map Number:** 51.00-2-5.8

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

**Considerations:** Area variance for the proposed lot subdivision from the required 100' watercourse setback.

**Action Type:** Area Variance

**Juris. Determinant:** State Road

**Potential Impacts:** 155 State Farm Road, Agricultural District, FEMA Floodzones, NWI Wetlands

**Staff Notes:** The proposed four lot subdivision require a relief from the 100' watercourse setback buffer for Lot 1 & Lot 2 of the total 5 lots. The variance would allow homeowners the ability to enjoy and improve their rear yards.

**Staff Opinion:** Defer to local consideration

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

**Advisory Note:** 1. The Town Zoning Board should consider the precedent setting nature of allowing 100' relief from the watercourse setback.

**Case #: 10-2402040430**

**Project Name: Salon Sixty**

**Applicant:** Salon Sixty , LLC

**Project Location:** 1766 Western Avenue

**Municipality:** Town of Guilderland

**Parcel Size:** 0.63 acres

**Zoning:** Local Business District (LB)

**Tax Map Number:** 52.09-5-15

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

**Considerations:** Area variance for the reduced setback for the proposed monument sign.

**Action Type:** Area Variance

**Juris. Determinant:** State Road

**Potential Impacts:** 20 Western Avenue

**Staff Notes:** The applicant proposes to construct a 1.5x7.5x10' commercial monument sign with landscaping for their salon business. The sign exceeds the 50 SF maximum allowable square footage in the Local Business (LB) zoning district.

**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 application for the proposed monument sign should be sent to NYS Department of Transportation for review due to its close proximity to the highway right-of-way.



**Case #: 10-2402040427**

**Project Name: Beliveau Two-lot Minor Subdivision**

**Applicant:** Matthew T Beliveau

**Project Location:** 2155 West Old State Road

**Municipality:** Town of Guilderland

**Parcel Size:** 91.68 acres

**Zoning:** Rural Agricultural-3 District (RA3)

**Tax Map Number:** 14.00-1-13.1

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

**Considerations:** Two-lot subdivision of 91.68 acres into Lot 1 with 65.68 acres and Lot 2 with 26 acres.

**Action Type: Subdivision Review**

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

**Potential Impacts:** Intermunicipal Boundaries of Town of Guilderland and Schenectady County, Agricultural District, FEMA Floodzones

**Staff Notes:** The applicant proposes a two-lot subdivision of the 91.68 acres of land. Lot 1 will consist of 65.68 acres and Lot 2 will consist 26 acres of land. Both the lots will be access from West Old State Road. No land disturbance is anticipated during the proposed action as per the Short Environmental Assessment Form (SEAF).

**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 #: 10-2402040417**

**Project Name: 468 Route 146 - Variance**

**Applicant:** Pierrette Virkler

**Project Location:** 468 Route 146

**Municipality:** Town of Guilderland

**Parcel Size:** 0.68 acres

**Zoning:** Single-Family Residential Districts (R15)

**Tax Map Number:** 38.20-1-26.2

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

**Considerations:** Area variance for lot line adjustment to increase a non-confirming lot size.

**Action Type:** Area Variance

**Juris. Determinant:** State Road

**Potential Impacts:** State Route 146, FEMA Floodzones

**Staff Notes:** The applicant proposes to adjust the lot line of parcels at 470 Route 146 and 468 Route 146 which are pre-existing non-confirming undersized lots and do not meet the requirement of 15,000 SF. The proposed lot line amendment will increase the size of the parcel at 470 Route 146 to 17,444 SF and will decrease the size of the parcel at 468 Route 146 to 12,090 SF. The purpose of the proposed action is to relocate the lot lines between the two parcels to confirm with the location of the occupation by each party that has been in existing since 1997.

**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 #: 18-2402040426**

**Project Name: Area variance for Residential Garage**

**Applicant:** Mark Contreras

**Project Location:** 390 County Route 1, Westerlo

**Municipality:** Town of Westerlo

**Parcel Size:** 0.48 acres

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

**Tax Map Number:** 127.-2-15

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

**Considerations:** Area variance to construct a residential garage.

**Action Type: Area Variance**

**Juris. Determinant:** County Road

**Potential Impacts:** County Route 1

**Staff Notes:** The applicant proposes to build a 30x26 two-door garage on the northeast corner of the property. It would be laid on a concrete slab. Less than one acre of land disturbance is anticipated during the proposed action as per the Short Environmental Assessment Form (SEAF). The parcel has an existing dwelling, well & septic and driveway.

**Staff Opinion:** Defer to local consideration

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

**Advisory Note:** 1. The Albany County Planning Board advises the applicant to include an official drawing or rendering of the proposed residential garage prepared by a licensed professional when the application is sent back for site plan review.

**Case #: 12-2402040420**

**Project Name: Mohawk and Hudson River Humane Society Building and Parking Lot Expansions**

**Applicant:** Mohawk and Hudson River Humane Society

**Project Location:** 3 Oakland Avenue, Menands

**Municipality:** Village of Menands

**Parcel Size:** 19.20 acres

**Zoning:** Infill Mixed Use (T5)

**Tax Map Number:** 55.10-2-7

**Referring Agency:** Village of Menands Planning Board

**Considerations:** Site plan review for the proposed expansion of the existing Mohawk Hudson Humane Society Facility, construction of two building additions totaling 6,500 SF, demolition of the existing maintenance building and a new bottle redemption building on the northern corner of the property.

**Action Type:** Site Plan Review

**Juris. Determinant:** State Road

**Potential Impacts:** 32 Broadway, FEMA floodzones, NWI & NYSDEC Wetlands

**Staff Notes:** The proposed project for the Mohawk Hudson Humane Society is a commercial redevelopment of their existing site located at 3 Oakland Avenue in the Village of Menands. The applicant proposes to construct two (2) building additions totaling 6,500± square feet, demolition of the existing maintenance building, additional parking areas, and a new bottle redemption building on the northern corner of the property. The plans includes training and assessment rooms with an additional 20 kennel spaces and Animal Control Officer intake space within the existing building. The new 2500 square feet bottle redemption building will have space for bottle returns and a bathroom. Water supply and sewer collection will be provided through connections to the existing municipal facilities located along Oakland Avenue and the entrance driveway. A total of 1.5 acres of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The parcel will have On-site stormwater management facilities to collect stormwater runoff. A Stormwater Pollution Prevention Plan (SWPPP) has been included in the application packet for review.

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

Travon Jackson made a motion to accept the Staff Opinion of Defer to Local Consideration for the following cases: 01-2402040425, 11-2402040431, 03-2402040434, 07-2402040424; 10-2402040432, 10-2402040430; 10-2402040427, 10-2402040417, 18-2402040426 & 12-2402040420. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Due to the fact that 2 guests were in attendance to speak about the TOG Kotecki Warehouse case, Brian Crawford made a motion to move Case # 07-2402040421 to the front of the agenda. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #: 07-2402040421**

**Project Name: Kotecki Warehouse**

**Applicant:** Chris Kotecki

**Project Location:** 136 Morris Road

**Municipality:** Town of Colonie

**Parcel Size:** 3.30 acres

**Zoning:** Industrial

**Tax Map Number:** 16.4-2-5.2

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

**Considerations:** Site plan review to develop the existing parcel with 12,000 SF building and necessary municipal water and sanitary sewer services.

**Action Type: Site Plan Review**

**Juris. Determinant:** Lands of State of New York

**Potential Impacts:** Albany Pine Bush Preserve

**Staff Notes:** The applicant proposes to re-develop the site with a one-story warehouse building that will have an area of approximately 12,000 SF. Associated parking areas and access drives and maneuvering areas will also be developed adjacent to the proposed building. There would

be a total of 21 parking spaces with 1 of those spaces being allocated for handicap use. As shown on the site statistics the proposed site would have a green area of approximately 80,699 SF or 61.1% of the site. Based on the zoning regulations, the site can be developed with the proposed use as warehouse facilities. The infrastructure necessary to provide the site with Sanitary, Water, Electric, Gas and Telephone services exist and are all located along the Morris Road corridor. The use is consistent with land uses permitted in the Town of Colonie Zoning Code. The site is also located within the Conservation Overlay. The site has historically been used for materials reclamation and piles of various materials were kept at the site while the owner separated and reclaimed the materials. As shown in the site plan, a potential wildlife corridor exists on the parcel. Stormwater management for the proposed development will utilize the stormwater practice of infiltration basin(s) to capture the runoff and recharge it into the local soils which have very pervious soils. A total of 2.1 acres of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF).

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

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
2. The local fire department should be notified to evaluate public safety, emergency services access, water availability and any sprinkler system that may be required by the building code.
3. The Town/applicant should submit the proposed warehouse to the Albany Pine Bush Commission for review and comments since the parcel is within the Pine Bush Study Area.
4. The Town should enforce and follow the existing Pine Bush Conservation Overlay zoning regulations due to the presence of potential wildlife corridor that could be disturbed due to the proposed construction.

- Advisory Note:**
1. The Applicant should be encourage to work with the Albany Pine Bush Commission and include native species in the proposed landscape and greenspace due to the close proximity of Pine Bush Preserve.
  2. The Town should strongly consider protecting the overall integrity of the Pine Bush Preserve in the context of the individual project approvals that may have cumulative impact to the preserve.
  3. The Town should consider this a TYPE I action and require a Full Environmental Assessment Form (FEAF) for review as this parcel is within the Pine Bush Study Area and consists of potential wildlife corridor.
  4. The Albany County Planning Board advises that the wildlife

corridor as identified in the drawing should be marked off and not be disturbed and preserve the natural wildlife corridor that connect to the existing corridor.

Guests were in attendance to speak about this project. Lynne Jackson from Save the Pinebush and Neil Gifford, Conservation Director for Albany Pine Bush Commission. Both had concerns about this project as it is located within the Pine Bush Area. They are requesting that the Pine Bush Commission be able to review this project now that the plan has significantly changed. Neil stated that he is not opposing the project, but rather wants an opportunity to review the changes that are being presented. Lynne Jackson said the goal is to protect he ecosystem. She also stated that she believes that a full EAF should be provided.

After review of the updated submission (Both Lynne & Neil stated that they have not had access to the updated documents that were provided to the ACPB for this submission) and site plans, the Board discussed adding modification language to the ACPB decision that reflects the need to follow the existing Pine Bush Overlay zoning regulations (listed above as Modify # 4) as well as adding advisory notes related to protecting the Pine Bush Preserve (listed above as Advisory notes 1-4).

Susan Laurilliard – Albany County Legislator in the 22<sup>nd</sup> legislative district as well as a Town of Colonie resident, spoke to the Board regarding this project, specifically the conservation overlay district. Gopika addressed questions she had related to the criteria that would have to be met to require the ACPB to see this project on a future agenda again.

With that additional language added, Travon Jackson made a motion to accept the Staff Opinion for Case #07-240204021. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #: 07-240204022**

**Project Name: Subway/Coffee Shop**

**Applicant: Northside RE**

**Project Location: 1186 Troy Schenectady Road**

**Municipality: Town of Colonie**

**Parcel Size: 0.95 acres**

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

**Tax Map Number: 18.-1-4.22**

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

**Considerations: Site plan review for the conversion of an existing restaurant to a coffee shop with drive thru and proposed site modifications.**

**Action Type: Site Plan Review**

**Juris. Determinant:** State Road

**Potential Impacts:** 7 Troy Schenectady Road

**Staff Notes:** The applicant is proposing to make minor site plan modifications to accommodate a new coffee shop tenant. The minor site plan modifications include the installation of new asphalt pavement for a drive through lane along the west end of the existing commercial building, a new drive-through window, new concrete curbing, new green islands, and reconfiguration to the existing parking layout. The project proposes a disturbance area of 5,300+/- SF. The site is currently developed and consists of an existing 4,000-SF commercial building with two existing tenants occupying the building: Subway and Sogo Asian Fusion, both restaurants. Access to the site is from a shared driveway off Troy Schenectady Road via reciprocal access agreements. The site has existing landscape areas around the building foundation and green areas, and a stormwater management area located at the south end of the site. The proposed coffee shop will replace the Sogo Asian Fusion restaurant, therefore, will need to modify traffic patterns to allow a drive thru. However, there will be no impact to the current traffic conditions within the ingress and egress driveway to and from Troy Schenectady Road. The site currently has 38 parking spaces. The site modification proposes a reduction in parking to 27 spaces in order to restore green space lost with the construction of the drive-through. The existing Subway restaurant and proposed coffee shop will have a total of 10 employees working during peak hours, requiring 10 parking spaces. The 17 remaining parking spaces allow for a total of 34 seats split between the existing Subway restaurant and coffee shop.

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

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

Brian Crawford made a motion to accept the Staff Opinion for Case #07-240204022. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #: 07-240204023**

**Project Name:** Reepmeyer Ridge Subdivision

**Applicant:** Cillis Builders Inc

**Project Location:** 101 Crescent Road, 86, 98, 112A & 112B Fonda Road

**Municipality:** Town of Colonie

**Parcel Size:** 39.32 acres

**Zoning:** Single Family Residential (SFR)



**Tax Map Number:** 5.3-2-15.1, 5.3-2-12.1, 5.3-2-15.2, 5.3-2-17, 5.3-2-16

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

**Considerations:** Site plan review for the proposed subdivision of the 26.21 acres parcel into 37 residential lots in accordance with Single Family Code of the Town. New roads, sanitary sewer & water, and stormwater infrastructure is also proposed.

**Action Type:** Subdivision Review

**Juris. Determinant:** Mohawk River

**Potential Impacts:** Mohawk River, NYS Canal Corp, FEMA Floodzones, NWI Wetlands

**Staff Notes:** The applicant proposes to subdivide the parcels into 41 single family lots; the 41 lots include the existing four lots that are developed with residential homes. There will also be two stormwater management parcels. A total of 37 new lots will be developed at the existing parcel that will be compliant with the Town of Colonie Zoning requirements for Single Family Residential (SFR) Zoning. The subdivision layout and density was designed in accordance with the conventional Single Family Residential Subdivision Regulations. The proposed lots are in full compliance with the SFR requirements of a minimum lot area of 18,000 square feet and a minimum of 80 feet of frontage. The proposed subdivision which results in a density of 1.04 Units/ac is less than the allowed density of 2 Units/ac. Three new streets are proposed to provide access to the new and existing lots. The new streets have been identified as following on the Concept Plan: Harvest Drive, Paddock Drive & Hayride Court. Utilities necessary to provide the new lots with municipal services will be installed within the new streets carriage way. The new streets would be constructed per the requirements of the Town of Colonie Type I Classification highway. Once constructed and accepted the streets would be dedicated to the Town for ownership and maintenance. The existing corridor along the Fonda Road project frontage has sanitary sewer, storm sewer, water system, gas, electric, telephone, and cable television utilities and can service the proposed lots. The infrastructure necessary to provide the proposed lots with sanitary, water, electric, gas and telephone services exist and are all located along Fonda Road. These systems have sufficient capacities to meet the demands of the proposed development. Stormwater management will be required for the proposed lots and it will be provided on-site by the construction of two (2) stormwater management practices that will be designed in accordance with the requirements of the NYSDEC and the Town of Colonie Stormwater regulations for new construction. A total of 19.5 acres of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The parcels identified as 86, 98, 112 A, 112 B are partially developed with single family residential homes; the majority of parcel at 101 Fonda Road is undeveloped and vacant. The parcels were historically used for agricultural purposes. The proposed subdivision will connect to the existing water and wastewater utility connections.

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

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
2. The local fire department should be notified to evaluate public safety, emergency services access, water availability and any sprinkler system that may be required by the building code.
3. The applicant should be required to provide a detailed stormwater capacity plan to be included in the submission that meet the requirements of the proposed density as a condition to final approval.

**Advisory Note:** 1. The Albany County Planning Board advises the Town to ensure that the proposed subdivision is in character with the existing neighborhood and does not overcrowd the neighborhood that may potentially impact traffic and emergency access. The applicant should be encouraged to consider alternatives that have less density possibly by reducing the number of proposed lots.

The Board expressed concerns about the number of units proposed and the potential overcrowding of the neighborhood. Gopika Muddappa, Senior Planner, stressed that the builder is meeting the requirements in the town code. The Board stated that they wished they had the Stormwater Plan to review and have concerns about the stormwater capacity. They determined that a modification should be added to address that concern (noted above as Modification #3) as well as an advisory note about the concerns regarding the density (noted above as Advisory Note #1).

With those additions, Travon Jackson made a motion to accept the Staff Opinion for Case # 07-2402040423. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #: 07-2402040418**

**Project Name:** Century House Mixed-Use PDD

**Applicant:** Latham Century Partners LLC

**Project Location:** 997, 995, 981 Loudon Road

**Municipality:** Town of Colonie

**Parcel Size:** 20.15 acres

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

**Tax Map Number:** 9.4-2-8.1, 9.4-2-8.2, 9.4-2-10

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

**Considerations:** Site plan review for the proposed mixed use development that provide variety of housing options and commercial/retail space. The proposed lots are to be merged.

**Action Type:** Site Plan Review

**Juris. Determinant:** State Road

**Potential Impacts:** 9 New Loudon Road, NYSDEC Wetlands

**Staff Notes:** The Century House Mixed Use PDD project proposes a mix of uses that provide a variety of housing options and commercial/retail space. The project consists of seven (7) buildings connected by a looped access road system, driveways, parking areas, sidewalks, and outdoor site amenities. Parking is provided near each building it serves with sidewalk access. Several of the main amenities include outdoor dining areas, courtyard and pavilion, dog park, gazebo, swimming pool, fire pit areas, and improved access to the existing nature trail and ADA accessible pedestrian circulation throughout the project. The proposed development includes the renovation and new addition to the original two-story Century House structure. The renovated structure will have a total of 4,035 sf and provide facility offices on the second floor, and restaurant on the first-floor addition. The restaurant will feature an outdoor dining patio. 21 parking spaces are required and provided (1 space per 200 sf) at the rear of the building with access to the trash enclosure. The former Century House restaurant and banquet hall will be demolished. The existing Century House hotel to remain has a total of 42,200 sf and provides 68 hotel units and various amenities. The front entrance to the building will be improved with vestibule and porte-cochere upgrades. The existing parking lot will be reconfigured to provide better circulation and to accommodate the proposed entrance improvements to the building. 83 parking spaces are required and provided (1 space per unit + 1 space per employee) on the side and rear of the building. The existing pool will be demolished, and a new pool area will be constructed to the east of its former location. The existing Comfort Inn to remain has a total of 60,900 sf and provides 126 hotel units. There are no improvements planned on the Comfort Inn parcel other than realigned access road to the Century House parcel and nature trail upgrades. 162 parking spaces are required and provided (1 space per unit + 1 space per employee) in the front and rear of the building. The proposed redevelopment of the property includes the construction of two new multifamily apartment buildings and two garden style townhouse buildings. The project features three full access entrances from Loudon Road. The north entrance has been designed to be in alignment with Century Hill Drive, which has an existing traffic signal. It is the intent of the applicant to replace the existing traffic light in its entirety as a public benefit. The new intersection is intended to be the primary means of access to the Century House restaurant and hotel. The second entrance is located approximately 370' to the

south and is intended to be the primary means of access to the multifamily buildings. The third entrance is approximately 420' from the second and is the existing Comfort Inn entrance. The project proposes to connect to an existing municipal water main located along Loudon Road and construction of 6-inch water lines to service the buildings. Sanitary sewer service will include new connections to the existing municipal sanitary sewer main along Loudon Road. Stormwater will be managed on-site using multiple green infrastructure run-off reduction practices. Stormwater management practices is to be addressed in a project specific Stormwater Pollution Prevention Plan (SWPPP). The stormwater management system and appurtenances will be designed and constructed in accordance with all local, state, and federal requirements and are proposed to be operated and maintained by the Owner. This development was previously reviewed by the Albany County Planning Board (07-230304197) in march 2023 for site plan review for the construction of 130 multi-family units, maintenance of the hotel and merging of three lots. The ACPB determination was, 'Modify local approval to include

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

Advisory:

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

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

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

2. The local fire department should be notified to evaluate public safety, emergency services access, water availability and any sprinkler system that may be required by the building code.
3. Review and permits by the 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.

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

Brian Crawford made a motion to accept the Staff Opinion for Case #07-2402040418. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #: 10-2402040433**

**Project Name: State Farm Road - Minor Subdivision**

**Applicant:** JRG Builders, LLC

**Project Location:** Nott Road

**Municipality:** Town of Guilderland

**Parcel Size:** 35.46 acres

**Zoning:** Rural Agricultural-3 District (RA3)

**Tax Map Number:** 51.00-2-5.8

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

**Considerations:** The subject parcel is proposed to be divided into four lots that would be accessed from State Farm Road. Lot 1 will consist of 46,310 Sf, Lot 2 will consist of 46,899 SF, Lot 3 will consist of 46,115 SF and Lot 4 will consist of 45,283 SF. An area variance from a watercourse setback for accessory structures on Lot 1 & 2 is associated with the application.

**Action Type: Subdivision Review**

**Juris. Determinant:** State Road

**Potential Impacts:** 155 State Farm Road, Agricultural District, FEMA Floodzones, NWI Wetlands

**Staff Notes:** The applicant is proposing a four lot cluster subdivision on 35.2 acres of land. All four lots are proposed to be accessed from State Farm Road. Lot 1 would consist of 46,115 SF, Lot 2 would consist of 46,899 SF, Lot 3 would consist of 46,115 SF and Lot 4 would consist of 45,899 SF. The remaining 31.2 acres of the parcel will be conveyed to the Town. The applicant has proposed building footprints on each of the four lots to be in alignment with the three

existing residential homes on State Farm Road. Public water and sewer are available on State Farm Road and there is an existing 30' wide sanitary sewer easement on the property which is located between proposed Lot 2 & 3. An area variance is associated with the subdivision application, requesting relief from the required 100' watercourse setback from the Kaikout Kill for Lot 1 & 2. The proposed dwelling on Lot 1 & 2 are not located within the 100' watercourse setback. A total of 2.5 acres of land disturbance is anticipated during the subdivision as per the Short Environmental Assessment Form (SEAF).

**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. All variance requests such as the 100' watercourse setback from the Kaikout Kill for Lot 1 & 2 should be assessed to evaluate zoning compliance of the proposed project before granting the final site plan approval.
3. Lot 1 with 25' no cut from the Kaikout Kill and Lot 2 with 76' no cut from the Kill should be included in the deed restriction to maintain a buffer zone to the stream.

Jared George from JRG Builders asked to address the Board regarding this referral. He was able to clarify many of the concerns that the Board had discussed.

The Board determined that they should add a modification related to Lot 1 and Lot 2 (noted above as Modification #3) though according to the JRG Builders representative, this changes are already planned. Because they are not identified on the submission that was received by ACPB, the Board wanted it put in writing in their decision.

With that change added Travon Jackson made a motion to accept the Staff Opinion for Case #10-2402040433. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #: 10-2402040419**

**Project Name: Mixed-use Building - Special Use Permit**

**Applicant: Dr. Karamdeep Singh**

**Project Location: 97-99 Twenty West Drive**

**Municipality: Town of Guilderland**

**Parcel Size:** 1.82 acres

**Zoning:** Local Business District (LB)

**Tax Map Number:** 39.00-2-103

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

**Considerations:** Special use permit for the proposed mixed use building with outdoor surface parking lot, covered solar parking spaces, landscaping, lighting and on-site stormwater management areas.

**Action Type:** Special Use Permit

**Juris. Determinant:** State Road

**Potential Impacts:** 20 Western Tpke

**Staff Notes:** The applicant proposes to construct a two and half story mixed use building with outdoor surface parking lot, covered solar parking spaces, landscaping, lighting and on-site stormwater management areas. The first floor will be commercial tenants and floors above will consist of 14 apartment units. An area variance for 67 parking spaces was granted and the revised plan also proposes 67 spaces. Landscaping and green space are similar to previous approval. A total of 1.5 acres of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The storm water discharges will be directed to the onsite system with overflow to Town system and the parcel will also have an onsite stormwater basin. The proposed building will connect to the existing water and wastewater utility connections.

**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.

Travon Jackson made a motion to accept the Staff Opinion for Case #10-2402040419. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #: 10-2402040429**

**Project Name: Grant Hill Road Two-Lot Subdivision**

**Applicant:** Emery & Patricia Lemieux

**Project Location:** Grant Hill Road

**Municipality:** Town of Guilderland

**Parcel Size:** 80.50 acres

**Zoning:** Rural Agricultural-3 District (RA3)

**Tax Map Number:** 61.00-2-12.1

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

**Considerations:** Area variance for the proposed two-lot subdivision where the subdivided lots are undersized.

**Action Type: Area Variance**

**Juris. Determinant:** County Road

**Potential Impacts:** CR 201 Grant Hill Road, FEMA Floodzones

**Staff Notes:** The proposed two-lot subdivision request an area variance. The east side of the property marked as Lot 2 consists 78.6 acres of land and west side of the property marked as Lot 1 consists 1.9 acres of land. The lot does not meet the zoning requirement of 2 acres. To add 1/10 of an acre to the east side of the parcel would not provide a benefit and would be unusable property due it stormwater drainage that pass through that area as stated in the project narrative. This application (10-2401040409) was previously reviewed by the Albany County Planning Board in January 2024 for two-lot minor subdivision of 80.5 acres into Lot 1 consisting 1.9 acres and Lot 2 consisting 78.51 acres. The ACPB determination was, 'Modify local approval to include

1. Review by the Albany County Department of Health for the proposed septic area and other necessary permits should be required. 2. 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.'

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

1. This application was reviewed for subdivision in January 2024. All variance requests such as lot size requirements should be assessed to evaluate zoning compliance of the proposed project before granting the final subdivision approval.

Brian Crawford made a motion to accept the Staff Opinion for Case # 10-2402040429. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.



**Case #: 10-2402040428**

**Project Name: Floccuzio Three-lot Minor Subdivision**

**Applicant:** Michael Floccuzio

**Project Location:** 4478 Western Turnpike

**Municipality:** Town of Guilderland

**Parcel Size:** 10.71 acres

**Zoning:** Rural Agricultural-3 District (RA3)

**Tax Map Number:** 26.00-4-1

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

**Considerations:** Three-lot minor subdivision of the 10.71 acres into Lot 1 with 3.23 acres, Lot 2 with 3.74 acres and Lot 3 with 3.74 acres.

**Action Type:** Subdivision Review

**Juris. Determinant:** State Road

**Potential Impacts:** 20 Western Tpke, State Route 158, FEMA Floodzones

**Staff Notes:** This is Subdivision review of 10.71 acres into three lot. Lot 1 will consist of 3.23 acres and will be access from NYS Route 158. Lot 2 and Lot 3 will consist of 3.74 acres and will be access from NYS Route 20. The applicant is also proposing a 10' wide access easement on Lot 3 which will provide access to the family cemetery located on the parcel. The easement will allow descendants of the family legal access to the cemetery. Public water is available to the site, with private septic's proposed. An area variance is associated with the application requesting a reduction from the required 500' Watervliet Reservoir setback. The total land disturbance of the parcel is yet to be decided. Previously, the Albany County Planning Board reviewed an application (10-230904336) requesting an area variance for the construction of four warehouse buildings within 500 feet of the Watervliet Reservoir proposed in the same location. The ACPB determination was, '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.'

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

1. Review and permits by the 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 Albany County Department of Health for the proposed septic for the proposed dwelling on each parcel and other necessary permits should be required.

3. All variance requests such as the reduction from the required 500' Watervliet Reservoir setback should be assessed to evaluate zoning compliance of the proposed project before granting the final site plan approval.

**Advisory Note:** 1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed 10' wide easement on Lot 3.  
2. The proposed subdivision should be discouraged from encroaching on the reservoir and the need for an area variance to grant the relief from the required 500' Watervliet Reservoir setback.

After adding an Advisory Note to address the location of the subdivision distance from the Reservoir, Travon Jackson made a motion to accept the Staff Opinion for Case #10-2402040428. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Unfinished Business:** None

**New Business:**

- a. The next meeting of the Albany County Planning Board will be held on Thursday, March 21, 2024 at 3:30pm in Voorheesville. The deadline for municipalities to submit items for review is Monday, March 11, 2024 at 3:30pm.
- b. Brian Crawford stated that he will be unable to attend the meeting on March 21, 2024.

**Adjourn:** Gerry Engstrom made a motion to adjourn at 4:49pm.