



DANIEL P. MCCOY
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COUNTY OF ALBANY
PLANNING BOARD
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GERALD ENGSTROM JR.,
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ACPB Meeting Minutes – August 15, 2024

NOTE: The August 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: Brian Crawford, Jeff LaFontaine and Kate Powers.

Board Members Absent: Gerry Engstrom, Ta-Sean Murdock

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney ACPB Secretary, Zachary Smetana, Albany County Office of Management and Budget (via Teams).

Guests: none

Minutes: Lynn Delaney, Secretary

Call to Order: Brian Crawford called the meeting to order at 3:30pm.

Vote for Meeting Minutes:

May 16, 2024, June 20, 2024 & July 18, 2024 Meeting Minutes - Due to the absence of Brian Crawford and Ta-Sean Murdock, the Board is unable to vote on the May, June & July 2024 Meeting Minutes. All meeting minutes will be posted in DRAFT form on the ACPB Webpage.

Kate Powers 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 Jeff LaFontaine and was also approved by Brian Crawford.

ACPB August 15th, 2024 Meeting Minutes (cont.)

Case #: 01-2408040540

Project Name: **Dark Horse 2**

Applicant: Dark Horse 2 Corp.

Project Location: 15 Centre Street

Municipality: City of Albany

Parcel Size: 0.56 acres

Zoning: Mixed Use Form Based Warehouse District (MU-FW)

Tax Map Number: 65.20-2-33

Referring Agency: City of Albany Planning Department

Considerations: Site plan review for the redevelopment of existing building to accommodate cannabis dispensary, proposed modifications to site including entrance from Centre Street, repaving 9 off-street parking spaces and landscaping.

Action Type: **Site Plan Review**

Juris. Determinant: Interstate Highway

Potential Impacts: Interstate 787, Hudson River

Staff Notes: The applicant proposes to redevelop the existing site to accommodate the operation of a Cannabis Dispensary. New driveways will be constructed from Colonie Street (one way only) and full access driveway from Centre Street. A new parking area will be constructed in front of the building to provide convenient access to the clients. Impervious areas not utilized will be converted to green space greatly improving the green space quantity for the parcel. Less than one acre to be disturbed 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 #: 07-2408040543
Project Name: **Grace Fellowship - Generator/Lighting**

Applicant: Mark Donohue
Project Location: 20 Delatour Road
Municipality: Town of Colonie
Parcel Size: 32.10 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 32.1-4-17
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the installation of 50 KW generator, addition of six new receptacles and 59 light fixtures.

Action Type: **Site Plan Review**

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

Staff Notes: The proposed site development includes replacing an indoor 30KW generator with an outdoor 50KW generator. In addition 59 light fixtures, 2 sub panels, and 6 emergency circuit duplex receptacles are proposed. The existing site is a place of worship (Church) that includes offices for their staff and a children's daycare/classroom. Less than one acre to be disturbed 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.

Advisory Note: 1. If any of the proposed 59 light fixtures are located outdoors, a light plan for the site should be required depending on the location and the number of outdoor light fixtures, along with shielding to eliminate light trespass on adjacent properties.

Case #: 07-2408040546
Project Name: Single family Dwelling

Applicant: George Hajnasr
Project Location: 22 Natick Street
Municipality: Town of Colonie
Parcel Size: 0.11 acres
Zoning: Single Family Residence
Tax Map Number: 53.11-7-63
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the construction of a new 4,000 SF single-family dwelling on a 5,000 SF lot.

Action Type: Area Variance

Juris. Determinant: Municipality Boundary
Potential Impacts: Intermunicipality Boundaries of Town of Colonie and City of Albany

Staff Notes: The proposed construction of a new 4,000 SF single-family dwelling on a 5,000 SF lot with a 50' front lot line and 50' lot width at the front building setback line with a 20' front yard setback and 10' total side yard setbacks is not compliant in the Single Family Residential (SFR) zone where 12,000 SF minimum lot size, 75' front lot line, 75' width at the front building setback line, 30' minimum front yard setback, and 14' total side yard setback. Therefore, the applicant requires an area variance.

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 #: 07-2408040548
Project Name: **Walkway Addition FCA Group**

Applicant: FCA Group LLC
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 Planning Board

Considerations: Site plan review for the addition for an enclosed walkway re-connecting buildings 1201 and 1205 and access drive for employee drop-off and deliveries.

Action Type: **Site Plan Review**

Juris. Determinant: State Road, Municipal Boundary
Potential Impacts: SR 2 Troy Schenectady Road, Intermunicipal Boundaries of Town of Colonie and County of Schenectady

Staff Notes: This is a proposal for an enclosed connector addition between buildings 1201 and 1205 and a paved access drive for employee drop-off and loading. The connector will be a one-story walkway providing doors to the parking area and courtyard area that is located between the buildings. The new walkway connector is approximately 1245 SF and new asphalt access drive is approximately 5,308 SF. The total proposed impervious area equals 6,553 SF. This application was previously reviewed by the Albany County Planning Board in December 2021 for site plan review for demolition of an existing one-story former medical office building and the construction of a new four-story regional headquarters building for the new York Insurance Fund. 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-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Notification of the application should be sent to the Schenectady County, including all required notices pursuant to GML §239-nn.

3. Notification to the local fire department for review and comment on emergency access and the emergency plan.
4. A demolition review is required to ensure no hazardous materials on the proposed site.
5. The Albany County Planning Board recommends that the existing SWPPP should be modified or a new SWPPP should be prepared to address the stormwater since the existing parking is proposed to be realigned and restriped for additional parking.
6. The applicant should be aware that the site plan is very difficult to read and determine where the old and new buildings will be placed.
7. The proposed project is anticipated to add about 11% to the peak hour traffic during both AM and PM hours. NYSDOT and the Town of Colonie are entitled to a traffic report. It the Albany County Planning Board recommendation that the application should be sent for review to the NYSDOT for evaluation of the driveway and signal timing changes to ensure traffic safety.'

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 #: 10-2408040541
Project Name: Fence Replacement

Applicant: Bruce Ginsburg & Lauren France
Project Location: 1828 & 1830 Western Avenue
Municipality: Town of Guilderland
Parcel Size: 0.20 acres
Zoning: BNRP
Tax Map Number: 52.09-6-14, 52.09-6-13
Referring Agency: Town of Guilderland Planning Board

Considerations: Site plan review for the installation of new 6' fence on the rear of the property.

Action Type: Site Plan Review

Juris. Determinant: State Highway
Potential Impacts: 20 Western Avenue

Staff Notes: A new 6' fence was installed on the rear property line of 1828 and 1830 Western Ave, where a previous Special Use Permit approval required the fence to be 8' in height. The applicant is requesting a new site approval to allow a 6' high fence.

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 #: 13-2408040544
Project Name: Lot Line Adjustment - Lands of Demis

Applicant: Barbara Lewis
Project Location: 1734 Indian Fields Road
Municipality: Town of New Scotland
Parcel Size: 145.57 acres
Zoning: Residential Agricultural
Tax Map Number: 119.-2-1.10

Referring Agency: Town of New Scotland Planning Board

Considerations: Lot line adjustment to add 17.269 acres to the existing developed 8 acre parcel. Remaining 120.3 acres to remain as agricultural use.

Action Type: Lot Line Adjustment

Juris. Determinant: State Road, Agricultural District
Potential Impacts: SR 32 Indian Fields Road

Staff Notes: The applicant proposes to the addition of 17.269 acres from the tax map parcel 119.-2-1.1 with 137 acres to the tax map parcel 119.-2-1.2 with 8 acres which would result with 120.3 acres and 25.269 acres respectively. The tax map parcel 119.-2-1.1 is currently used for agricultural purposes with a barn and hay shed and tax map parcel 119.-2-1.2 is presently residential.

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 #: 15-2408040547
Project Name: Union Hall of Rensselaerville LLC

Applicant: Jesse James & Kostas Anagnopolos
Project Location: 1462 CR 351
Municipality: Town of Rensselaerville
Parcel Size: 0.97 acres
Zoning: Hamlet
Tax Map Number: 137.9-1-31
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Special use permit to restore the second story apartments as short term rentable units. Applicant seeks a motel/hotel special use permit.

Action Type: Special Use Permit

Juris. Determinant: County Road, State Road
Potential Impacts: County Route 351, SR 85 Delaware Tpke

Staff Notes: The applicant proposes to re-open the building at 1462 Main Street with furnished four-units on short-term basis classified as boarding rooms. Each of the four rooms will be on the second floor and will be between 300-400 SF. It will also include utility room for laundry and supplies. No additional parking will be required as the rooms do not exceed the number of apartments that previously existed. Guests will be offered food at the establishment below. This application was reviewed by Albany County Planning Board in October 2023 for a special use permit to restore and reopen existing building as a restaurant and the ACPB determination was, 'Modify local approval to include 1. Review by the Albany County Department of Health for food service and other required permits should be required.'

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.

Jeff LaFontaine made a motion to accept the Staff Opinion of Defer to Local Consideration for Case #01-2408040540, 07-2408040543, 07-2408040546, 07-2408040548, 10-2408040541, 13-2408040544 & 15-2408040547. The motion was seconded by Kate Powers and was also approved by Brian Crawford.

Case #: 10-2408040545
Project Name: **Northeast Industrial Park Minor Subdivision**

Applicant: Northeastern IP Holdings INC
Project Location: Van Buren Blvd - Northeast Industrial Park
Municipality: Town of Guilderland
Parcel Size: 4.85 acres
Zoning: Industrial
Tax Map Number: 50.00-1-14.11
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review to create 4.85 acre parcel from the existing 209.63 acre parcel within the Northeast Industrial Park.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: CR 201 Depot Road, FEMA Floodzone

Staff Notes: The applicant is proposing to create a 4.85 acre parcel from the existing 209.63 acre parcel within the Northeastern Industrial Park. The 4.85 acre parcel will be conveyed to the Town of Guilderland and is the site of the Town of Guilderland Fire Training Facility. A new fire training tower is currently being constructed. The site is located in or adjacent to an area designated as sensitive for archeological site on the NY State Historic Preservation Office (SHPO) site inventory as per the Short Environmental Assessment Form (FEAF). No land disturbance is anticipated during the subdivision.

Staff Opinion: Modify local approval to include
1. Review by the New York State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required since the project site is located in or adjacent to an area designated as sensitive for archeological site on the NY State Historic Preservation Office (SHPO) site inventory as per the Short Environmental Assessment Form (FEAF)

Kate Powers made a motion to accept the Staff Opinion for Case #13-2408040545. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford.

Case #: 18-2408040542
Project Name: **Gavin RV Permit**

Applicant: Todd Gavin
Project Location: CR 410
Municipality: Town of Westerlo
Parcel Size: 57.40 acres
Zoning: Rural development/Agricultural
Tax Map Number: 151.-1-13.3

Referring Agency: Town of Westerlo Zoning & Planning Board

Considerations: Special use permit place an RV on his vacant parcel.

Action Type: **Special Use Permit**

Juris. Determinant: County Road
Potential Impacts: County Route 410 ,

Staff Notes: The applicant requests a special use permit as per Local Law 3 of 2022 of Town of Westerlo to place a travel trailer on his vacant parcel. The applicant also proposes to install 500 gallon septic tank fully contained and to be pumped out as necessary by a licensed septic/cesspool company.

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

Brian Crawford asked if there is already an existing driveway. Gopika Muddappa stated that there is which is why we don't need a modification addressing that issue.

With no further questions, Jeff LaFontaine made a motion to accept the Staff Opinion for Case #18-2408040542. The motion was seconded by Kate Powers and was also approved by Brian Crawford.

Case #: 08-2408040549
Project Name: **Taco Bell**

Applicant: Hospitality Syracuse, Inc.
Project Location: 1535-1539 Central Avenue
Municipality: Village of Colonie
Parcel Size: 0.71 acres
Zoning: Commercial A
Tax Map Number: 41.12-5-8
Referring Agency: Village of Colonie Planning Board

Considerations: Site plan review for a quick serve restaurant with drive thru. Existing three buildings are to be demolished.

Action Type: **Site Plan Review**

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

Staff Notes: The applicant proposes to demolish three existing buildings on the subject site and redevelop the property with a single-story quick service restaurant with a drive thru. Site landscaping, utilities, site access, lighting, and other associated appurtenances are proposed as a part of this project. The project also involves lot consolidation of the three parcels that constitute the overall project site. Less than one acre to be disturbed during the proposed action as per the Short Environmental Assessment Form (SEAF). Existing stormwater drainage patterns are anticipated to remain.

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.
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 should be required.

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.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #08-2408040549. The motion was seconded by Kate Powers and was also approved by Brian Crawford.

Unfinished Business: The Memorandum of Understanding (MOU) regarding the updated Non-Referral Items list has been sent to the following: City of Albany, Town of Bethlehem, Town of Colonie, Town of Guilderland, Town of New Scotland and the Village of Voorheesville. Once the contracts have been signed by both the Municipalities and the Albany County Executive Office, the municipalities will be able to use the updated list to determine what is sent to the Albany County Planning Board for review. Gopika Muddappa, Senior Planner mentioned that once these are all in place, she will work on possibly extending the ability to use the updated list in the remaining Albany County Municipalities (See **ATTACHMENT A** for updated list).

Brian Crawford mentioned the Town of Colonie specific list that was spoken about previously. Gopika clarified that the additional items that the Town of Colonie had requested has not been approved yet and is still under discussion.

New Business: The next meeting of the Albany County Planning Board will be held on Thursday, September 19, 2024. The deadline for municipalities to submit the referrals for review at that meeting is Monday, September 9, 2024.

Adjourn: Kate Powers made a motion to adjourn at 3:44pm.

ATTACHMENT A



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Exhibit A

LIST OF NON-REFERRAL ITEMS TO THE ALBANY COUNTY PLANNING BOARD

From the Planning Board and/or Planning and Economic Development

Department: Minor Site Plans for:

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

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

1. Area Variances (i.e. yard setbacks, lot width, lot frontage) that relate to existing or proposed residential structures only, and are for the following types of construction or remodeling:
 - a. Additions
 - b. Decks
 - c. Swimming Pools
 - d. Sheds
 - e. Replacement of mobile homes, except those where a driveway has access to a county or state road
 - f. garages, except those where a driveway has access to a county or state road

2. *Area Variance related to signage,*

- a. Installation/replacement of free standing signs or changes to the existing signs including the ones that may require an area variance from the Town/City/Village, as long as the signs do not cause existing and/or proposed site visibility or pedestrian obstruction to the road or located in a County/ DOT ROW.*
 - b. Signs that may require variance for internal or external illumination*
 - c. Proposal for new signs or change in square footage for existing signs that are wall/building mounted.*
3. Use Variances for relocation of businesses within the same building.
4. *Accessory Structure - EV Charging Stations*
5. *Chickens – Special Use Permit and Variance to have chickens*
6. *Lot Line Adjustment that is,*
 - a. Not a part of subdivision review*
 - b. Does not create land lock parcels*
 - c. Does not create any land disturbance (disturbance over one acre will require a SWPPP review)*
7. *Fences (unless it is corner lot due to possible site distance issues)*

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

Adopted by unanimous vote – 3/11/24