

ACPB January 21, 2021 Meeting Minutes

NOTE: Due to issues related to Covid-19, the January 21, 2021 meeting of the ACPB was held via Skype. The public was able to call into the meeting to listen, but was not able to make comments during the meeting. There was a designated period of time prior to the meeting for written comments to be submitted.

Present: Dominic Rigosu, Acting Chairperson; Brian Crawford, Travon Jackson, Gerry Engstrom & Enzo Sofia.

Albany County Public Works Office – Gopika Muddappa, Interim Senior Planner; William Anslow, Civil Engineer; Lynn Delaney, Secretary; James Mearkle, Traffic Engineer; Robert Gunther, Stormwater Program Technician; Sameer Modasra, Ex-officio and Ransom Moore, Ex-officio.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:31PM.

Brian Crawford made a motion to approve the meeting minutes from the December 22, 2020 meeting. The motion was seconded by Travon Jackson and unanimously approved by the Board.

A motion was made by Travon Jackson to group the 4 Referrals with a Staff Opinion of Defer to Local Consideration, and vote on them as a group. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #:	<u>01 - 210103614</u>
Project Name:	425 North Pearl Street
Applicant:	413 North Pearl Assoc LLC
Project Location:	425 North Pearl Street
Municipality:	City of Albany
Parcel Size:	1.52 acres
Zoning:	Mixed-Use, Form-Based Warehouse (MU-FW)
Tax Map Number:	65.16-3-16.1
Referring Agency:	City of Albany Planning Board
Considerations:	Site plan review for conversion of +/- 78,071 square feet of an existing warehouse into 82 dwelling units.
Action Type:	Site Plan Review

Juris. Determinant: City Road
Potential Impacts: NY 32 North Pearl Street, FEMA Floodzones,

Staff Notes: The applicant requests a site plan review for the historic renovation of the existing 4-story warehouse located at 413 North Pearl Street. The project will result in 82 new dwelling units, more than 10,000 square feet of commercial warehouse space, associated on-site parking facilities, and indoor and outdoor amenities. There will be no adverse impacts on the area water and/or sewer distribution system. The proposed system will be designed and constructed in accordance with requirements of the City of Albany Department of Water & Water Supply, and the Albany County Health Department.

Staff Opinion: Defer to local consideration.
1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note:

1. The City should consider correction of paperwork regarding handicap parking spaces on both the site plan as well as the Development Plan Review application as the numbers does not match.
2. The City should consider the historic significance of 413 North Pearl Street as a surviving example of commercial Italianate masonry construction with contributing periods of significance (1875-1899) and historic functions including domestic rail freight, and commerce/trade per the adjacent Broadway-Livingston Avenue Historic District listed on the National Register of Historic Places (1988 - #87002300). The project would convert 91,851 (100%) total square feet of light manufacturing and wholesale distribution historic functions to 78,071 (85%) square feet of residential space and retain 13,780 (15%) square feet of light manufacturing and wholesale distribution. The City should consider the precedent of approving historic renovation projects that reduce historic contributing square footage by 85%, and the impact of reducing available commercial infrastructure in the Warehouse Commercial District and adjacent Downtown Albany port corridor. The City should seek guidance from the State Historic Preservation Office to ensure contributing historic structures and qualified New York State support are appropriately reflected in planning proposals.

Case #: **04 - 210103615**
Project Name: **Bartula - Chicken Coop**

Applicant: Samra Bartula
Project Location: 10/12 Dresden Court, Delmar

Municipality: Town of Bethlehem
Parcel Size: 0.34 acres
Zoning: Multi - Family Residential
Tax Map Number: 86.11-1-31
Referring Agency: Town of Bethlehem Planning Board

Considerations: Special use permit to enable installment of 4x6 coop on their property to house and raise five (5) chickens and one (1) rooster.

Action Type: **Special Use Permit**

Juris. Determinant: Farm in a designated Agricultural District
Potential Impacts: Agricultural District

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

Staff Opinion: Defer to local consideration.
1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: **13 - 210103617**
Project Name: **Lands of Becker & Lands of Deleskiwicz & Green**

Applicant: Joe Becker
Project Location: 2 Clipp Road & 24 Clipp Road
Municipality: Town of New Scotland
Parcel Size: 9.35 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 106.-3-4
Referring Agency: Town of New Scotland Zoning Board of Appeals

Considerations: Subdivision review for lot line adjustment to add 11,050 sqft to the 29,380sqft lot to bring it into zoning conformance.

Action Type: **Subdivision Review**

Juris. Determinant: Town Road
Potential Impacts: NY443 Delaware Turnpike, agricultural district, wetlands

Staff Notes: The applicant proposes a subdivision review for lot line adjustment of 11,050 sqft added to original lot along the north and west of original lot line. There will be no physical disturbance on the site of proposed action.

Staff Opinion: Defer to local consideration.
1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 13 - 210103618
Project Name: **Lands of Manoli**

Applicant: Philip Manoli
Project Location: 70 Unionville Feura Bush Rd
Municipality: Town of New Scotland
Parcel Size: 2.00 acres
Zoning: Residential Hamlet (RH)
Tax Map Number: 107.2-1-20
Referring Agency: Town of New Scotland Zoning Board of Appeals

Considerations: 3 lot subdivision of a 2 acre parcel which is zoned Residential Hamlet (RH) requiring 20,000 sqft lots. The applicant has submitted application for public water and the entire parcel is located in water district.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: Unionville Feura Bush Road

Staff Notes: The applicant proposes to subdivide 2 acre lot into 3 parcels. New lot sizes will be 25,000 sqft, 30,330 sqft and 29,090 sqft. There will be no physical disturbance on the site.

Staff Opinion: Defer to local consideration.
1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note: 1. Lot line may need to be shifted towards Fissette slightly to make sure there is enough offset from the driveway to the lot line to meet County standards. 2. The applicant should be aware that Albany County Highway Work Permits will be required if any grading, utility connections, etc., are conducted within the County right-of-way.

Regarding the 425 North Pearl Street referral, there was a discussion about the number of handicapped parking spaces not matching on all of the paperwork submitted. It was suggested that we call that to their attention so it can be fixed (noted above).

Travon Jackson also suggested that we add an Advisory about the Historical Significance of the 425 North Pearl Street location (noted above).

With no further questions or comments from the Board, a motion was made by Gerry Engstrom to accept the Staff Opinion for Referral #'s 01-210103614, 04-210103615, 13-210103617 & 13-210103618. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #: **07 - 210103616**
Project Name: **Amedore Medical Office Building**

Applicant: 4 & 6 Autopark Property LLC
Project Location: 6 Autopark Drive
Municipality: Town of Colonie
Parcel Size: 21.00 acres
Zoning: Highway Commercial Office Residential District (HCOR)
Tax Map Number: 9.4-3-1.1
Referring Agency: Town of Colonie Planning Board

Considerations: The applicant proposes to construct a 240,000sf Medical/Office building with 1284sf surface parking space. The applicant also proposes to adjust the lot lines of 4 & 6 Autopark Drive. An ODA permit will be required as 4 Autopark Drive will only be accessed by an easement.

Action Type: **Site Plan Review**

Juris. Determinant: Interstate Highway
Potential Impacts: I87 Adirondack Northway

Staff Notes: The applicant proposes to reconfigure the lots to maintain the existing building on No.4 Autopark Drive. The new parcel consisting of partial No.4 and No.6 Autopark Drive is proposed to be occupied by a 242,630 +/- SF three - story medical/ office building with adequate parking, loading and drop off areas. The existing warehouse at No. 4 Autopark Drive will require an ODA (open development area permit) since the revised lot line will make the existing structure have access by easement only.

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-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
3. Site plan is not clear if the site meets the Building Code in the New York State Section D 104 where two fire apparatus has access roads are required, they shall be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot.
4. The Town of Colonie might want to evaluate the actual need of parking spaces versus code required parking with the possibility of banking un-needed parking spaces.

There was a discussion amongst the Board members regarding the specific modifications they wanted to recommend for this referral (noted above). With no further comments or questions from the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral #**07 - 210103616**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **05 - 210103619**
Project Name: **Town of Coeymans Comprehensive Plan Amendment**

Applicant: Town Board of the Town of Coeymans
Project Location: Town of Coeymans, NY
Municipality: Town of Coeymans
Parcel Size: N/A N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Town of Coeymans Legislative Board

Considerations: The Town of Coeymans is amending its 2006 Comprehensive Plan with targeted updates. The Comprehensive Plan Amendment will provide

direction for long-range planning for the growth of the community while protecting and enhancing its resources.

Action Type: **Adoption/Amendment of Zoning Ordinance or Local Law.**

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The Town of Coeymans is amending its 2006 Comprehensive Plan with targeted updates. The Comprehensive Plan Amendment will provide direction for long-range planning for the growth of the community while protecting and enhancing its resources.

Staff Opinion: Disapprove
1. The ACPB recommends the Town of Coeymans resubmit the Comprehensive Plan Amendment once they have addressed the public comments.

The Board received several public comments regarding this referral and felt that it appears that there are things that are not addressed in the Comprehensive Plan that could be concerning. The Board felt that this was submitted prematurely as the Town of Coeymans has not held a public meeting yet. It appears they have scheduled a public meeting for late January. The Board determined that this should be resubmitted after the public has the opportunity to have their say at the public meeting.

Brian Crawford made a motion to accept the Staff Opinion for Referral # **05 - 210103619**. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #: **05 - 210103620**
Project Name: **RMN Properties, LLC Site Plan**
Applicant: RMN Properties, LLC
Project Location: 2477 US 9W & 2483 US 9W
Municipality: Town of Coeymans
Parcel Size: 1.31 acres
Zoning: Planned Commercial C-1P
Tax Map Number: 168.13-2-20, 168.13-2-21
Referring Agency: Town of Coeymans Planning Board

Considerations: A two-lot subdivision to improve a lot for development, lot #1 to be 0.84 acres and lot #2 to be 0.47 acres. Area variance for side lot to accommodate an existing residence on lot #2.

Action Type:	Area Variance, Subdivision Review
Juris. Determinant:	Town Road, State Highway, Municipal Boundary
Potential Impacts:	NY 143 Martins Hill Road, US 9W, Intermunicipal boundaries between Town of Coeymans and Village of Ravena
Staff Notes:	The applicant is requesting a two-lot subdivision to improve a lot for development: lot #1 to be 0.84 and lot #2 to be 0.47 acres. The new subdivision would create a non-confirming lot requiring a area variance to accommodate the parcel. Total acreage to be physically distributed is unclear.
Staff Opinion:	<p>Modify local approval to include</p> <ol style="list-style-type: none"> 1. Notification of the application should be sent to Village of Ravena, including all required notices pursuant to GML §239-nn. 2. Highway work permits will be required from NYSDOT for entrances to the state highway, utility connections, and any other construction in the Right-of-way. 3. NYSDOT should be consulted about the driveway for lot 2, since the point where the east edge of the driveway meets the state road is in Lot 1's frontage. 4. The northerly driveway appears to be insufficiently angled to discourage left outs. The curb cut should be chenalized.
Advisory Note:	<ol style="list-style-type: none"> 1. The acreage of physical disturbance listed on EAF and on site plans does not match. The site plan shows the limits of clearing as 0.9 +/- acres. The applicant needs to be aware that any unauthorized disturbances over one acre in size could result in potential fines and stop work orders from the New York State Department of Environmental Conservation. 2. The out-swing door at the main entrance encroaches on the required 5' x 5' landing at the top of the curb ramp. 3. The chain-link fence should be relocated or the property line should be adjusted, so that part of Lot 1's property isn't enclosed by Lot 2's fence. 4. Lot 2's service laterals should either have an easement across Lot 1, or be relocated to Route 143.

Without any questions or comments from the Board, Enzo Sofia made a motion to accept the Staff Opinion for Referral **#05 - 210103620**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: 05 - 210103621
Project Name: **RMN Properties, LLC Site Plan**

Applicant: RMN Properties, LLC
Project Location: 2477 US 9W
Municipality: Town of Coeymans
Parcel Size: 0.84 acres
Zoning: Planned Commercial C-1P
Tax Map Number: 168.13-2-20
Referring Agency: Town of Coeymans Planning Board

Considerations: Site plan review to construct a two-story Retail/Office building (4893 sqft) on 0.84 acres

Action Type: **Site Plan Review**

Juris. Determinant: Town Road, State Highway, Municipal Boundary
Potential Impacts: NY 143 Martins Hill Road, US 9W, Intermunicipal boundaries between Town of Coeymans and Village of Ravena

Staff Notes: The applicant proposes to construct a two story retail/office building on Lot #1 which after subdivision will be 0.84 acres. The EAF does not list the amount of disturbance proposed with the construction of a new retail space.

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

Without any questions or comments from the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral **#05 - 210103621**. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #: 07 - 210103622
Project Name: **Maplewood Fire Department - Parking Expansions**

Applicant: Maplewood VFD
Project Location: 61 Cohoes Rd
Municipality: Town of Colonie

Parcel Size: 0.84 acres
Zoning: Single Family Residence (SFR)
Tax Map Number: 20.20-2-11
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for parking expansion for 31 new spaces totalling 15,486sf of ground disturbance. Porous pavement proposed for a 4,830 sf portion of the aforementioned disturbance.

Action Type: **Site Plan Review**

Juris. Determinant: Town Road, Interstate highway, Municipal boundary
Potential Impacts: NY 32 Cohoes Road, NY 787 Albany County Veteran Memorial Highway, Intermunicipal boundaries between Town of Colonie and Village of Green Land, FEMA Floodzones

Staff Notes: The proposed project is to extend the current parking lot on the south side both south to add 11 parking spaces and east to add an additional 20 parking spaces for a total of 31 additional spaces. This proposal would disturb about one third of an acre (15,486 sf). The parking spaces on the south side would be constructed for porous pavement (4830 sf) while the driving lane and the north parking spaces would be regular NYSDOT Type 6 pavement (4964 sf). The remaining land would be green (5792 sf). The design of the porous pavement takes into account not only the proposed improvements but also the existing parking spaces on the south side and half the roof area of the Firehouse.

Staff Opinion: Modify local approval to include
1. Notification of the application should be sent to Village of Green Island, including all required notices pursuant to GML §239-nn.
2. Handicap parking spaces should be located to the closest handicap accessible entrance as well as proper striping between the spaces for accessibility.

The Board had concerns regarding the location and size of handicapped parking spaces, and decided to add a modification that would address this (noted above).

Without any further questions or comments from the Board, Travon Jackson made a motion to accept the Staff Opinion for Referral #07 - 210103622. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **11 - 210103623**
Project Name: **Construction of Large Scale Solar Project**

Applicant: RIC energy Inc.
Project Location: 1688 Thompson Lake Road, E.Berne (Route 157)
Municipality: Town of Knox
Parcel Size: 32.90 acres
Zoning: Residential
Tax Map Number: 59.-2-20
Referring Agency: Town of Knox Planning Board

Considerations: Site plan review for construction of a 4.4 megawatt ground mounted solar photovoltaic on 32.9 acres.

Action Type: **Site Plan Review**

Juris. Determinant: Town Road
Potential Impacts: 157 Thompsons Lake Road, Agricultural District

Due to the late receipt of materials needed for this Referral, Brian Crawford made a motion to table the discussion of Referral #**11 - 210103623** until the February 18, 2021 meeting. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **15 - 210103624**
Project Name: **Kubaczek Restaurant**

Applicant: Phillip Kubaczek
Project Location: 5046 Delaware Turnpike
Municipality: Town of Rensselaerville
Parcel Size: 0.11 acres
Zoning: Hamlet
Tax Map Number: 137.9-1-6.20
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Special use permit for changing the existing gallery into a restaurant and café.

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 85 Delaware Turnpike, Historic Site, Floodzones, wetlands

Staff Notes: The applicant is requesting a special use permit to propose a restaurant and change the existing gallery into the restaurant.

Staff Opinion: Disapprove
1. The Albany County Planning Board found the referral materials unacceptable and insufficient for review purposes. 2. The town should ensure that there are enough parking spaces for the proposed use.

Bill Anslow clarified for the Board that this particular section of the road is a State Road. The Board had concerns about the lack of parking and the narrowness of the road in that section. The Board also felt that the materials submitted were not thorough enough.

A motion was made by Brian Crawford to accept the Staff Opinion for Referral #**15 - 210103624**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Unfinished Business: none

New Business: The next meeting will be held on February 18, 2021. We are assuming Gov. Cuomo will continue to allow Public Meetings to be held via Skype for another month. If something changes, Lynn Delaney will let the Board know.

Adjourn: Gerry Engstrom made a motion to adjourn at 4:34pm.

A transcription and/or video recording of this meeting will be made available upon receipt of a FOIL request.