

FEBRUARY, 18 2021 MEETING MINUTES - FINAL

NOTE: Due to issues related to Covid-19, the February 18, 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: Brian Crawford, Travon Jackson & Gerry Engstrom

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: Brian Crawford called the meeting to order at 3:36PM.

Travon Jackson made a motion to approve the meeting minutes from the January 21, 2021 meeting. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

A motion was made by Gerry Engstrom to group the 9 Referrals with a Staff Opinion of Defer to Local Consideration, and vote on them as a group. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **01-210203631**
Project Name: **514 Bradford Street**

Applicant: Pinewood Realty, LLC
Project Location: 514 Bradford Street
Municipality: City of Albany
Parcel Size: 0.21 acres
Zoning: R-2 (Two-Family)
Tax Map Number: 64.36-1-56
Referring Agency: City of Albany Planning Board

Considerations: Demolition review for a +/- 820 square foot detached accessory garage.

Action Type: **Demolition Review**

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

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Staff Notes: The applicant is proposing a demolition review of detached garage at 512-514 Bradford St. that is in poor condition. Once the garage is removed, crusher run stone will be installed to provide off street parking. Only about 10% of the garage will go to the landfill. 90% of the building is masonry block and will be going to a clean fill site outside of the City of Albany to be crushed and recycled. Total area of physical disturbance is less than one acre.

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. A demolition review is required to ensure no hazardous materials are present at site.

Case #: **04-210203626**
Project Name: **Capital Communication Federal Credit Union (CAP COM)**

Applicant: AJ Signs
Project Location: 384 Bender Lane, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 0.00 acres
Zoning: Commercial Hamlet
Tax Map Number: 97.12-1-1
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area Variance to replace existing 32 sq. ft. externally lit sign with new 49 sq. ft. internally lit LEDs attached to the existing brick structure. Existing letters will be removed and channel letters will be installed on new aluminum facing.

Action Type: **Area Variance**

Juris. Determinant: Federal Highway
Potential Impacts: US Route 9W

Staff Notes: The applicant seeks an area variance for the installation of a 84"x84" internally lit sign panel on an existing monument base. There will be no physical disturbance in the proposed action. The sign will be internally illuminated by LED's and connected to power at sign location.

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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. All future site plans must show a clear representation of the proposed changes.

Case #: **04-210203630**
Project Name: **Chase Bank ATM Drive-Up Kiosk**

Applicant: TKO Installations Inc.
Project Location: 241 Route 9W, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 17.37 acres
Zoning: Commercial
Tax Map Number: 86.00-2-20
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for the construction of a drive-up ATM kiosk with minor site plan and lighting improvements. The Town approved an Area Variance for parking. Four (4) parking spaces will be relocated to the northerly edge of pavement along the access drive at the back of the existing plaza.

Action Type: **Site Plan Review**

Juris. Determinant: State Highway, Federal Highway
Potential Impacts: NY32 Delmar Bypass, US 9W Route 9W, Agricultural District, Wetlands

Staff Notes: The applicant is proposing to develop a drive-up Chase ATM kiosk at the Bethlehem Town Center II Plaza. The ATM is proposed to be located within the shared parking area of the shopping center as depicted on the Chase Bank New Market Plans. Access to the proposed ATM will be provided by an existing shared access drive that currently serves the overall shopping center. Minor lighting and landscape improvements are also proposed as a part of this project. Upon the Town's approval for an Area Variance for parking, four (4) parking spaces will be relocated to the northerly edge of pavement along the access drive at the back of the existing plaza. The applicant proposes to install ±1,000 sf of pavement

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to accommodate for the four (4) parking spaces. Total area to be physically disturbed is less one acre.

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

Case #: **07-210203642**
Project Name: **Building/ Site Modifications**

Applicant: PCH & D Realty LLC.
Project Location: 515 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 1.86 acres
Zoning: Highway Commercial Office Residential District (HCOR)
Tax Map Number: 19.14-4-18
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for exterior building façade and parking lot modifications. No change proposed to the existing Loudon Road curb cut. Slight modifications to existing Gaffers Court curb cut in proximity to Troy Schenectady Road.

Action Type: **Site Plan Review**

Juris. Determinant: State Road, Federal Highway
Potential Impacts: NY 2 Troy Schenectady Road, US 9 Loudon Road.

Staff Notes: The applicant is proposing to make Exterior Building and Parking Area improvements. The existing building canopy will be removed and replaced with a new look that will reduce the amount and type of canopy. The building façade will be improved with materials and a new look that is more open. The parking area and circulation drives will be improved by creating more room in the parking areas so that the maneuvering of vehicles is less difficult.

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

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Case #: **10-210203640**
Project Name: **Park Guilderland Suite #4**

Applicant: Craig Turnbull
Project Location: 457 Rt 146 Guilderland Center
Municipality: Town of Guilderland
Parcel Size: 3.00 acres
Zoning: Local Business District (LB)
Tax Map Number: 38.00-5-22
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for conversion of a yoga studio into a restaurant.

Action Type: **Special Use Permit**

Juris. Determinant: County Road, State Road
Potential Impacts: CR 202 School Road, NY 146 State Highway, Historical site, Floodzone.

Staff Notes: The applicant requests a special use permit to convert an existing facility which was a yoga studio, into 20-40 seat restaurant featuring a wood fired oven.

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. It is recommended that all future referral applications for a site plan review are required to include an official drawing or rendering of the proposed site and action prepared by a licensed professional.
2. Review by the Albany County Department of Health for food service and other required permits.

Case #: **13-210203637**
Project Name: **Lands of Cramer**

Applicant: James J Cramer
Project Location: 28 Whitbeck Road
Municipality: Town of New Scotland

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Parcel Size: 1.00 acre
Zoning: Hamlet Expansion (HD-E)
Tax Map Number: 84.-1-9
Referring Agency: Town of New Scotland Planning Board

Considerations: Area variance to request the placement of a new dwelling 20' farther back on lot than what zoning allows, and 40' from the property line at the road.

Action Type: **Area Variance**

Juris. Determinant: State Road
Potential Impacts: NY 85 New Scotland Road

Staff Notes: The application is for an area variance requesting relief from setback requirements listed in Article XVI, Section 190-12, Table 2 of the Town of New Scotland zoning law. Table 2 requires the building setback to be located a minimum of five feet and a maximum of twenty feet from the back of a sidewalk of shared path in the Hamlet District Expansion zone. This request is for twenty feet (20') of relief to allow for the building to be located within forty feet (40') of the property line. This request will keep the footprint of the new dwelling within the foot print of the structure that is to be taken down. This parcel received site plan approval by the Town's Planning Board in January with a condition that a request to the ZBA for the setback is applied for. This case (13-201203608) was reviewed by the ACPB in December for site plan review. The staff recommendation was "Defer to local consideration: 1. This board has found that the proposed action will have no significant countywide or intermunicipal impact."

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

Case #: **13-210203638**
Project Name: **Lands of Mullaney & Ross**

Applicant: Bryan Mullaney & Peter Ross
Project Location: Unionville Feura Bush Rd

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Municipality: Town of New Scotland
Parcel Size: 78.10 acres
Zoning: Residential Agricultural (RA) & Residential Hamlet (RH)
Tax Map Number: 107.-2-1.11, 107.-2-1.12,107.-2-1.3
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision Review to merge tax parcels 107.-2-1.12 & 107.-2-1.3 into one lot and lot line adjustment for Mullaney's and Ross's property. No new lots are created.

Action Type: **Subdivision Review**

Juris. Determinant: County Road, Agricultural District
Potential Impacts: CR 308 Unionville Feura Bush Road, Agricultural District.

Staff Notes: The applicants request for a subdivision review to merge two lots (tax parcels 107.-2-1.12 & 107.-2-1.3) in the same ownership together (Lands of Peter Ross) and adjust the boundaries between two landowners; adding 5.0 +/- acres of vacant land to one and 2.5 +/- acres of vacant land to another. No new lots are created. There will be no physical disturbance in the area.

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

Case #: **13-210203641**
Project Name: **Site Plan #128**

Applicant: Gary Zeh
Project Location: 1969 New Scotland Road
Municipality: Town of New Scotland
Parcel Size: 1.00 acre
Zoning: Hamlet Center (HD-C)
Tax Map Number: 73.-4-14
Referring Agency: Town of New Scotland Planning Board

Considerations: Application for site plan review to allow for a new wine & liquor store to open in Stonewell Shopping Center.

Action Type: **Site Plan Review**

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Juris. Determinant: State Road
Potential Impacts: NY 85 New Scotland Road, NY 85 A Maple Road

Staff Notes: The applicant seeks a site plan review to occupy an existing (vacant) lease space to conduct a Retail Business. The space to be occupied is Unit #8 in the Stonewell Plaza. There will no physical disturbance in the area. The applicant plans to operate the store with an "Off premise Consumption" liquor license issued by the New York State Liquor Authority. The applicant is in verbal agreement with the landlord on lease terms but have not signed anything based on Town approval outcome. The layout is a total of 1890 sf. The intent is to remove the non-supportive interior walls to allow for an open space floor plan. Any supportive walls and columns will be left in place.

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. It is recommended that all future referral applications for a site plan review are required to include an official drawing or rendering of the proposed site and action prepared by a licensed professional.
2. The Town must confirm that there is adequate parking for the new tenants.

Case #: **18-210203643**
Project Name: **Richardson Annexation**

Applicant: Clifton & Phyllis Richardson/Bernice Hassett
Project Location: 26 Richardson Lane
Municipality: Town of Westerlo
Parcel Size: 3.20 acres
Zoning: Rural Development/Agricultural (RD/A)
Tax Map Number: 127.-2-23.20
Referring Agency: Town of Westerlo Planning Board

Considerations: Annexation/lot line adjustment to annex a right-of-way.

Action Type: **Annexation/lot line adjustment**

Juris. Determinant: State Road
Potential Impacts: NY 143 New York State Highway, Floodzone

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Staff Notes: The applicant proposes an annexation/lot line adjustment of 3.20 acres to Mr. Clifton Richardson from Bernice Hassett to sizes resulting of the parcels: parcel 1 -RICHARDSON 161.15 acres TAXID# 127-2-23.10 and parcel 2 HASSETT 5.06 acres TAX ID# 127-2-22.

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

Travon Jackson made a motion to accept the Staff Opinion for Referral #'s **01-210203631, 04-210203626, 04-210203630, 07-210203642, 10-210203640, 13-210203637, 13-210203638, 13-210203641, & 18-210203643**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Gerry Engstrom made a motion to move Referral # **10-210203632** to the front of the agenda. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #: **10-210203632**
Project Name: **Albany Country Club Rezone**

Applicant: Albany County Club
Project Location: 300 Wormer Road (Northeast corner of Relyea Road and Grant Hill Road)
Municipality: Town of Guilderland
Parcel Size: 89.00 acres
Zoning: Single family Residential Districts (R20)
Tax Map Number: 50.00-3-10.1
Referring Agency: Town of Guilderland Planning Board

Considerations: Rezoning for approximately 89 acres of Albany County Club vacant lands from existing R20 (Single Family Residential Districts) to proposed RA3 zone (Rural Agricultural-3 district).

Action Type: **Rezoning**

Juris. Determinant: County Road, Municipal boundaries.
Potential Impacts: CR 201 Grant Hill Road, Intermunicipality Boundaries of Town of Guilderland and Town of New Scotland, Floodzone

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There were several public comments submitted regarding this referral. Gerry Engstrom acknowledged those public comments and stated that he had several concerns regarding the lack of details provided on the SEQR form. Gerry Engstrom made a motion to table this decision (Referral #10-210203632) so the Town of Guilderland can provide additional information and a revised SEQR. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Travon Jackson made a motion to move Referral #11-210203636 to the front of the agenda. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **11-210203636**
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 the construction of a 4.4 megawatt ground mounted solar photovoltaic on 37.9 acres.

Action Type: **Site Plan Review**

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

Staff Notes: RIC Development is proposing to develop and build a solar PV generation plant. The project is proposed to be a stand-alone ground mounted system, mounted on a fixed structure. As designed, it will have a name plate capacity of 4,400 KW at the point of connection to the existing three phase circuit. The north side of the site is bounded by several residential parcels and tree cover. The east side of the site is bounded with multiple single-family residential land and the western side is bounded by Thompsons Lake Road along with combination of single-family residential homes. The southern side is bounded by a larger section of residential land. The project site is undeveloped and covered

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with a mix of deciduous and coniferous trees. The facility will be maintained and monitored remotely by Knox PV, LLC who will maintain the landscape and cut the grass as necessary. The purpose of the proposed action is to generate renewable energy and it contributes to the state's renewable energy goals in its efforts to lessen energy production's impact on the environment. The solar array, inverters, transformers and all safety systems are fully automated and remotely monitored through an electronic system 24/7 and do not require constant on-site supervision or manual operation. As described in the Operation and Maintenance Plan, the project requires only periodic inspections, servicing and maintenance, conducted by dedicated crews, per schedule or as needed.

Staff Opinion:

Disapprove

1. The Albany County Planning Board finds that this proposed action may result in county-wide or intercommunity impacts if the proposed solar arrays are installed. The basis for the recommendation is related to the NYS GML §239-l considerations.
2. The proposed site of the utility scale solar facility is within 500 feet of (a) State Park (Thatcher Park), (b) Right-of-way of an existing state highway (State Route 157) and (c) The lands located within a New York State Department of Agriculture and Markets (NYSDAM) certified Agricultural District (AD), Albany County Agricultural District #1.
3. An Agricultural Data Statement is required pursuant to §305-a of the New York State Agriculture and Markets Law (NYSAML) since the proposed project is located within 500 feet of tax parcels within a certified agricultural district, some of which may contain actively farmed land.
4. Via project visual impact document submission, the visual impact analysis included has a noted visual impact to adjoining properties with the potential for solar glare. The visual impact assessment also indicates the project will be visible from the John Boyd Thatcher State Park property. Resolution No. 384 For 2020 of Albany County now requires additional consideration to the Helderberg Escarpment and by virtue, John Boyd Thatcher Park and its surrounds. This project will have a direct negative visual impact on the character to the park and surrounding area.
5. The area of the Town proposed for the utility scale solar is of rural residential and agricultural use and has a low population density. The relation between the residential uses is incompatible due to potential noise, glare, fencing and increased use of aerial utilities to support a grid scale generating facility.
6. There are noted objections to the project from the community received by the board, all in opposition to this project and the proposed

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change in land use. It is noted that a similar utility scale solar facility is already permitted and operating within one and a half miles of the proposed project on Old Stage Road, immediately adjacent to the project site. Such uses are not compatible in this density or land use.

7. Potentially increased runoff is possible from the removal of over twenty acres of mature forest and ground cover causing problems with drainage and this will potentially exacerbate a known issue and cause hardship on the adjoining properties.

8. As overall limits of disturbance are well over 5 acres, written justification must be made to the NYSDEC as to why a phasing plan is not feasible.

Travon Jackson made a motion to accept the Staff Opinion for Referral #**11-210203636**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **03-210203633**
Project Name: **Whipple/ Gifford Hollow Road Subdivision**

Applicant: Henry Whipple/ Helderberg Realty LLC
Project Location: Gifford Hollow Road
Municipality: Town of Berne
Parcel Size: 47.00 acres
Zoning: Residential/Agricultural/Forestry (RAF)
Tax Map Number: 102.-1-15/102.-1-16
Referring Agency: Town of Berne Planning Board

Considerations: Subdivision review for vacant land to be subdivided into four lots.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District, Floodzone

Staff Notes: The applicant proposes to subdivide 47 acres into four lots (Lot#1 8.644 acres, Lot#2 11.067 acres, Lot#3 12.954 acres and Lot#4 14.290 acres) all with frontage on Gifford Hollow Road. No houses to be built by applicant and no land to be disturbed . The lots will be sold as vacant lands. Each lot will require a drilled well and septic system to be installed by the new owner. There will be no physical disturbance in the area. As per the letter from Albany County Health Department attached with the application, two of the lots are suitable for conventional septic systems

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and the other two will require at least two feet of septic grade fill to be imported.

Staff Opinion: Modify local approval to include
1. The Albany County Planning Board recommends that the sight distance for driveways should be maximized and the application should be sent to the Town of Berne to approve.

Advisory Note:

Brian Crawford stated that he wants to ensure that the Town of Berne Highway Dept. can review the driveway locations.

Gerry Engstrom made a motion to accept the staff opinion for Referral #**03-210203633**. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #: **03-210203634**
Project Name: **John Demis for Helderberg Bluestone**

Applicant: John Demis for Helderberg Bluestone & Marble
Project Location: 138 Cole Hill Road
Municipality: Town of Berne
Parcel Size: 157.30 acres
Zoning: Residential/Agricultural/Forestry (RAF)
Tax Map Number: 115.-1-17
Referring Agency: Town of Berne Planning Board

Considerations: Lot line adjustment to the existing two parcels. No new lots will be created.

Action Type: **Lot line adjustment**

Juris. Determinant: County Road, Municipal Boundary
Potential Impacts: CR2 Cole Hill Road, Inter-municipal boundaries between Town of Berne and Town of Westerlo, Agricultural District, wetlands

Staff Notes: This is an application for a lot line adjustment of tax parcels 115.-1-17 & 115.-1-18. This adjustment will alter the parcel 17 from 100 acres to approximately 80.5 acres and parcel 18 from 57.3 to about 76.8 acres. All existing rights of way will not change from their present use. Tax

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parcels will continue to use the existing right of way through tax map parcel 115.-1-18 and there will be no changes to the usage for either of the parcels. There will be no physical disturbance in the area. This case (03-201203613) was reviewed by the Albany County Planning Board in December: "Disapprove: 1. The Albany County Planning Board found the supporting materials for subdivision review to be unacceptable for review purposes. All future referral applications for a subdivision review are required to include an official drawing or rendering of the proposed site and action prepared by a licensed professional engineer or surveyor. 2. Notification of the application should be sent to Town of Westerlo, including all required notices pursuant to GML §239-nn."

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

Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**03-210203634**.
The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #: **04-210203629**
Project Name: **Phillipin Kill Manor Subdivision**

Applicant: William J. Cade
Project Location: Fisher Blvd, Slingerlands and Orchard Street, Delmar
Municipality: Town of Bethlehem
Parcel Size: 129.85 acres
Zoning: Planned Developed District (PDD)
Tax Map Number: 84.00-3-17, 84.00-3-1.1, 84.00-3-16.2, 84.00-3-15, 84.00-3-1.3, 84.00-3-4, 84.00-3-11.2
Referring Agency: Town of Bethlehem Planning Board

Considerations: Subdivision review and lot line revision to subdivide 129.85 +/- acres to 42.35 +/- acres for residential development of 49 units that includes 36 townhome lots, 4 SFR lots and 9 estate lots.

Action Type: **Subdivision Review, Lot Line Revision**

Juris. Determinant: Intermunicipal Boundary, Agricultural District, Town Road
Potential Impacts: Intermunicipal Boundaries of Town of Bethlehem & Town of New Scotland, Fisher Blvd County Road

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Staff Notes: The applicant is proposing to subdivide a 129.85 acre lot within the Town of Bethlehem, New York. The project includes the creation of a new +/- 900 foot road and Cul-de-sac at Fisher Boulevard to develop 36 townhome lots, a +/-350 -foot extension of Prestwick Drive into a Cul-de-sac to develop four(4) single family residential lots, and the development of 9 estate lots (2 on Prestwick Drive and 7 on Orchard Street). Project includes impacting +/-1.1 acres of wetlands. Each townhome structure has a footprint of approximately 4,200+/- square feet, and contains 2 units. Each single family unit has a footprint of approximately 2,500+/- square feet. Each estate home has a footprint of approximately 2,500+/- square feet.

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

A motion was made by Travon Jackson to accept the Staff Opinion for Referral **#04-210203629**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: **07-210203625**
Project Name: **T&T Flex Warehouse**
Applicant: Bernard Radtke
Project Location: 405 - 415 Old Niskayuna Road
Municipality: Town of Colonie
Parcel Size: 12.95 acres
Zoning: Airport Business Area (ABA)
Tax Map Number: 18.2-5-64, 18.2-5-65, 18.2-5-67, 18.2-5-68, 18.2-5-66, 18.2-5-69
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of six (6) one story building totaling 176,400 SF for flex warehouse use and a total of 295 vehicle spaces. The project is anticipated to be developed in three phases.

Action Type: **Site Plan Review**

Juris. Determinant: Town Road
Potential Impacts: Old Niskayuna Road

Staff Notes: The Applicant proposes to merge the six tax map parcels (405 Old Niskayuna Road – TID #18.2-5-64, 409 Old Niskayuna Road TID #18.2-5-

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65, 411 Old Niskayuna Road -TID #18.2-5-67, 413 Old Niskayuna Road – TID #18.2-5-68, 413A Old Niskayuna Road – TID #18.2-5-66 and 415 Old Niskayuna Road – TID #18.2-5-69) into one lot to be known as 405 Old Niskayuna Road. Phase 1 of the project includes the demolition of the single family home and the construction of two 1-story flex warehouse buildings of 33,600 SF and 34,400 SF. Flex warehouses have the capability to provide office space depending upon the needs of the tenant. The remaining buildings on the site will remain during Phase 1. Porous pavement will be utilized, and 105 surface parking spaces will be provided to serve the two warehouses. There is an existing single family home on No.405 Old Niskayuna Road. Nos 409, 411, and 415 Old Niskayuna Road contain warehouse buildings, while the remainder of the properties are vacant. A new water main will be looped through the site and services for the new warehouses will connect to this main. The Latham Water District will own the water main after construction. New manholes and sewer laterals will be provided, as well as landscaping and lighting. After the construction of Phase 1, the Applicant will propose to construct two 1- story flex warehouse buildings ('C' and 'D') of 23,300 SF and 26,400 SF in Phase 2 with additional 80 surface parking spaces. After the construction of Phase 2, the Applicant will propose to construct two 1- story flex warehouse buildings ('E' and 'F') of 26,400 SF and 26,400 SF under Phase 3 with additional 60 surface parking spaces will. There are no watercourses or existing wetlands on site. The entire site lies within Zone X (Area of Minimal Flooding).

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.

Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**07-210203625**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #:

07-210203628

Project Name:

Fuller Fast Food project

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Applicant: Vision Planning & Consulting, LLc
Project Location: 46 Fuller Road
Municipality: Town of Colonie
Parcel Size: 4.53 acres
Zoning: Commercial Office Residential & Single Family Residential
Tax Map Number: 53.5-2-32
Referring Agency: Town of Colonie Zoning board of Appeals

Considerations: Area variance for proposed construction on a raw commercial building with fast food uses.

Action Type: **Area Variance**

Juris. Determinant: County Road
Potential Impacts: Fuller Road, wetlands

Staff Notes: The applicant's proposal for this parcel is to construct a 4,900 sq. ft., one story building with approximately three tenants with an option to have one tenant's space use to be devoted for food and soft beverage service. This vacant property is located in two zoning districts: Commercial Office Residential (250 feet) and Single Family Residential (712 feet). Based on the design the development area was limited with regards to both the easement area and the 100ft water course buffer. The topography of the steep slope at the rear also drastically reduces the development and buildable area to only 25%. Total area to be physically disturbed is less than one acre.

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. 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.
3. Site plan should be sent to the fire department for review and comment.
4. Review by the Albany County Department of Health for food service and other required permits.

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Bill Anslow, Civil Engineer, commented that the Engineering staff have reviewed this prior to the meeting.

Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**07-210203628**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **13-210203639**
Project Name: **Local Law D of 2020**

Applicant: Town of New Scotland
Project Location: N/A
Municipality: Town of New Scotland
Parcel Size: N/A N/A
Zoning: Residential Forestry (RF), Residential Agricultural (RA), Residential Conservation (R2), Commercial (COM) & Industrial (IND)
Tax Map Number: N/A
Referring Agency: Town of New Scotland Legislative Board

Considerations: Local law amendment to allow for keeping and raising chickens in certain zoning districts without Special Use Permit approval.

Action Type: **Amendment of Local Law**

Juris. Determinant: N/A
Potential Impacts: N/A

Staff Notes: The Town of New Scotland is proposing a local law amendment with respect to : (1) keeping and raising chickens and (2) construction and maintenance of chicken coops and pens in certain zoning districts without the need to obtain a special use permit. This law is intended to supplement the special use permit option, and streamline the process of obtaining a permit (without a public hearing) to raise chickens in certain zoning districts, provided the applicant can satisfy the conditions for issuance of a permit. This law shall in no way be construed to restrict the rights of property owners in designated agricultural districts or those protected by State or County "Right to Farm" laws or the Town's "Right to Farm Law" (Local Law No. 5 of 2006) as amended by Local Law No. 2 of 2016.

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Staff Opinion: Modify local approval to include
1. Notification of the local law update should be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**13-210203639**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **18-210203627**
Project Name: **Katrina Wood/Lara McAneny - Kaaterskill Associates (SD 21-01, SD 21-01-A)**

Applicant: Katrina Wood/Lara McAneny
Project Location: 667 CR 403 Westerlo & Sunset Road
Municipality: Town of Westerlo
Parcel Size: 62.21+/- & 35.25+/- acres
Zoning: Rural Development/Agricultural (RD/A)
Tax Map Number: 174.-2-6.1, 174.-2-11.1
Referring Agency: Town of Westerlo Planning Board

Considerations: Subdivision review of two (2) parcels owned by the applicant for estate planning wants to divide each parcel into Two (2) lots with a total of four (4) lot minor subdivision.

Action Type: **Subdivision Review**

Juris. Determinant: County Road, Municipal boundaries, Agricultural District
Potential Impacts: CR 403, Intermunicipal Boundaries of Town of Westerlo & Town of Rensselaerville, Wetlands, Adricultural district.

Staff Notes: The applicant is proposing to subdivide two parcels for estate planning and sale of farm buildings as a stand alone parcel. Two Minor lot subdivisions with lot line adjustments between the two (2) lots. In total two (2) existing tax lots will now become four (4) new lots. Proposed Lot #1 will be +/-37.11 acres, Proposed Lot # 2 will be +/- 23.03 acres, Proposed Lot #3 will be +/- 22.56 acres and Proposed Lot #4 will be +/- 14.76 acres. The house on the flag lot (lot #3) is proposing to share an existing driveway and not use the flag section as a driveway. The flag section is extreme but appears to fit the zoning and sub-divisions law.

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Staff Opinion: Modify local approval to include

1. Notification of the application should be sent to Town of Rensselaerville, including all required notices pursuant to GML §239-nn.
2. Notification of the application should be sent to Green County, including all required notices pursuant to GML §239.
3. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties (Lot#3 and Lot#4), due to the proposed use of existing driveway on Lot#4.

With a modification added to add a shared access agreement referenced in deeds for both properties (noted above, #3), Travon Jackson made a motion to accept the Staff Opinion for Referral #**18-210203627**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: **13-210203635**
Project Name: **Khaligi Religious Institution (SUP #617)**

Applicant: Al Zahra Center/ Wahab Khaligi
Project Location: 71 State Farm Road
Municipality: Town of New Scotland
Parcel Size: 4.80 acres
Zoning: Residential/Agricultural (RA)
Tax Map Number: 72.8-4-15
Referring Agency: Town of New Scotland Planning Board

Considerations: Special use permit to reuse the religious facility as the old use has lapsed.

Action Type: **Special Use Permit**

Juris. Determinant: State Road, Intermunicipal Boundaries
Potential Impacts: NY 155 State Farm Road, Intermunicipality Boundaries, Floodzone

After much discussion, much of which related to the Town’s updated comprehensive plan and the parking needs of this applicant, the Albany County Planning Board decided to table the proposed action and will request additional information prior to making a decision. Travon Jackson made a motion to table this decision (Referral # **13-210203635**) so the Town of New Scotland and the applicant can provide additional information. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

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Unfinished Business: None

New Business: None

Adjourn: Gerry Engstrom made a motion to adjourn at 4:55pm.

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