

ACPB May 20, 2021 Meeting Minutes

NOTE: Due to issues related to Covid-19, the May 20, 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.

Board Members Present: Dominic Rigosu, Brian Crawford, Travon Jackson & Gerry Engstrom.

Albany County Public Works Office: Gopika Muddappa, Senior Planner; William Anslow, Civil Engineer; Lynn Delaney, Secretary; Rob Gunther, Stormwater Program Technician; Sameer Modasra, Ex-Officio; and Ransom Moore, Ex-Officio.

Guests: Dan Hershberg, Hershberg and Hershberg; Zach Powell, City of Albany Planning Dept.; Jared (no last name given) interested in the Glenmont Ventures project.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:33PM.

Brian Crawford made a motion to approve the April 15, 2021 Meeting Minutes. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Brian Crawford made a motion to approve the April 29, 2021 Meeting Minutes. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Travon Jackson made a motion to move the 11 cases with a Staff Opinion of “Defer to Local Consideration” to the front of the agenda and vote on them as a group. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-210503686

Project Name: 39 Columbia Street

Applicant: Jeff Buell

Project Location: 39 Columbia Street

Municipality: City of Albany

Parcel Size: 0.90 acres

Zoning: MU-DT (Mixed-Use, Downtown)

Tax Map Number: 76.34-1-8

Referring Agency: City of Albany Planning Board

Considerations: Conditional use permit for occupation of +/- 6,385 square feet of the subject property as a school.

Action Type: Conditional Use Permit

Juris. Determinant: State highway, FEMA Floodzone, Historic District

Potential Impacts: 32 N Pearl St, Van Trom St, Broadway, Historic district, FEMA floodzones

Staff Notes: The proposed use is a Montessori school serving children ages 3 to 12. The proposed location is on the first floor of an existing mixed-use building. The school will be the only use on the ground floor. Hours of operation are typical school hours: Monday-Friday, 7:30 AM to 6:00 PM. The school will employ 5-10 employees. Students will be dropped off in a private lot directly in front of the entrance. Employees will also have reserved parking in the lot. There is sufficient on-site parking in a fenced lot with gate access. Street parking is available along Broadway for guests. The applicant describes location's proximity to I-787 as a convenient educational alternative for Downtown families, as well as families of the broader capital region. The scope of work for the proposed use includes fit-up of the ground floor with classrooms, bathrooms, and common areas. The space will utilize existing building mechanical systems. No changes are planned to the exterior of the building or site. No impact on adjacent properties is anticipated and it is consistent with the purpose of the MU-DT district. The proposed use as a school will comply with all City ordinances regulating noise, odors, vibration, glare, heat, and other nuisance generating conditions negatively affecting other properties.

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 applicant is not showing any outdoor play area. If an outdoor play area is require or needed then the site plan should reflect this. The parking lot should not be consider a play area.

Case #: 01-210503691

Project Name: 67 Livingston Avenue

Applicant: Clinton Square Studios LLC

Project Location: 788 & 794 Broadway; 67 & 71 Livingston Avenue

Municipality: City of Albany

Parcel Size: 11376.00 SF

Zoning: MU-CU (Mixed-Use, Community Urban)

Tax Map Number: 65.75-2-20, 65.75-2-23, 65.75-2-19, 65.75-2-18

Referring Agency: City of Albany Planning Board

Considerations: Site plan review and demolition review for construction of a +/-6-story mixed-use building with 70 apartments and +/-2,150 square feet of retail space.

Action Type: Site Plan Review & Demolition Review

Juris. Determinant: City Road, Historic District

Potential Impacts: Broadway, Historic District

Staff Notes: Equity Home Development LLC is proposing Clinton Square Studios, a single building to be constructed on three lots in the Warehouse District, north of Downtown. The building will include three condominium spaces. Condominium #1 will be affordable residential multifamily apartments for local artists with 57-dwelling units for a total of 35,183 square feet. All 57 units will be affordable to persons with incomes at or below 80% of Area Median Income for a minimum of 50 years. Condominium #2 will be 10 units of commercial space owned and operated by Capital Rep to include a total of 4,165 square feet, to be used for extended stay living space for actors visiting the Capital Region for short and long-term performance engagements. Condominium #3 will be a 2,256 square foot retail space. According to SHPO demolition of the 69 Livingston Avenue may not be avoidable due to deteriorated structural conditions and there have been some substantial losses to the building's historic fabric. The proposed action includes Demolition Debris Diversion Plan that will remove all metal items, demolition of all concrete and masonry walls and demolition of concrete slab. Some of the debris will be reused or used as fill materials. Building at 67 Livingston Avenue will be demolished and 67 Livingston, 788 Broadway and 794 Broadway will be replaced with 6-story mixed use building with 66 residential units and approximately 2,006 SF ± of ground floor space for retail use.

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. Parking demand and motor vehicle trips may be higher than projected due to the presence of few amenities like grocery store nearby.

Case #: 01-210503690

Project Name: 42 & 47 Besch Avenue

Applicant: Ron Stein

Project Location: 39, 42 & 47 Besch Avenue

Municipality: City of Albany

Parcel Size: 48000.00 SF

Zoning: R-M (Multi-Family)

Tax Map Number: 76.46-4-30, 76.46-4-29, 76.46-5-1

Referring Agency: City of Albany Planning Board

Considerations: Site plan review for construction of a 4-story, +/-60,000 square foot multi-family dwelling with 39 dwelling units and +/-36 parking spaces.

Action Type: Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 443 Delaware Ave, Holland Ave, NWI Wetlands

Staff Notes: This is an application for construction of a 4-story apartment building with 44 enclosed parking spaces on the ground level with two access drives/curb cuts and 39 residential units on the 2nd through the 4th floors. The building will include a mix of 1-bedroom units and 2-bedroom units. Residential housing consisting of a total of 36 units made up of 21 two-bedroom (approximate average of 1,150 sqft) and 15 one-bedroom (approximately 950 sq ft) residential rental units. The parking level is 15,600 SF, the 2nd through the 4th floor living areas are 15,700 SF each. Total building area is 62,700 SF. Relocation of an existing surface storm water detention basin from the subject parcels to 39 Besch Ave (parcel 76.46-5-1). The property is currently vacant and undeveloped. The project is expected to be completed in June of 2022. Currently, the project is being presented for the Tech Review Committee for initial review and comments. As per the SEAF, Storm water discharges will be addressed on site with surface and subsurface infrastructure to treat the water quality and CPv volumes and attenuation up to the 100-year storm event will be provided on site in a subsurface concrete detention tank and buried subsurface chambers.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 17-210503696

Project Name: 1500 12th Avenue

Applicant: Paul Y. Huban

Project Location: 1100 16th Street

Municipality: City of Watervliet

Parcel Size: 0.37 acres

Zoning: R-1A

Tax Map Number: 32.15-2-10

Referring Agency: City of Watervliet Planning Board

Considerations: Subdivision review to divide 16,018 square foot lot into three (3) lots to build three single family homes.

Action Type: Subdivision Review

Juris. Determinant: Intermunicipal Boundaries

Potential Impacts: Intermunicipal boundaries of City of Watervliet and and Town of Colonie

Staff Notes: The applicant proposes to subdivide 16,018 square feet equally into three building lots and to build three two-story 2200 SF single family houses. According to the City of Watervliet Planning Board application, the proposed structures are compatible with the neighborhood which is zoned R-1A. The proposed lot #1 will be 5200 SF, lot#2 will be 5200 SF and lot #3 will be 5618 SF.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 04-210503695

Project Name: 1462 New Scotland Road

Applicant: Brett Stone

Project Location: 1462 New Scotland Road & Maple Ave

Municipality: Town of Bethlehem

Parcel Size: 0.51 acres

Zoning: Core Residential

Tax Map Number: 85.06-3-16

Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance for proposing fence that does not meet 15 feet setback requirement from property line. The setback will only be 6 feet after the fence. The fence is proposed for above ground pool.

Action Type: Area Variance

Juris. Determinant: State Highway, Historic District

Potential Impacts: 85 New Scotland Road, Historic District,

Staff Notes: The applicant is requesting an area variance to construct an above ground pool and to install a six feet fence. Under Article VI, Supplementary Regulations, Section 128-47, fences

and free standing walls in residential districts, for corner lots, not exceeding six feet in height may be located in the front yard. The proposal is to have the fence setback six feet from the property line, leaving nine feet short of the required 15 feet. Under Article VI, Supplementary Regulations, Section 128-60, swimming pools, spas and hot tubs may not be installed in the front yard within 10 feet of any side or rear property lines or on any easement or right-of-way. The applicant's current proposal to construct above ground pool in the front yard does not meet the requirement of the Zoning Code of the Town.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 10-210503694

Project Name: 590 Route 146

Applicant: Christopher Beckmann

Project Location: 590 Route 146

Municipality: Town of Guilderland

Parcel Size: 31.00 acres

Zoning: Rural Agricultural District (RA3)

Tax Map Number: 38.00-2-41

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance for conversion of barn to a special occasion facility with a dwelling unit for the caretaker.

Action Type: Area Variance

Juris. Determinant: State Highway, Historic District

Potential Impacts: State Route 146, Historic District, FEMA Floodzone, Agricultural District

Staff Notes: This is an application requesting area variance for a barn to be used as a special occasion facility to host small events and meetings and to not install sprinkler system in the building. The applicant is requesting the variance to exempt this project from the Town of Guilderland requirements under Section 239-3. The facility will have what is considered a low occupancy load (less than 100) and is located on the property that does not connect to public water system. The proposed use of the Barn plans for small meetings and events that fall under Assembly Group A-2 as per the 2020 NYS Building Code Chapter 2. According to the 2020 NYS

Building Code Chapter 9 Section 903, an automatic sprinkler system should be provided throughout all buildings containing Group A-2 occupancy. The proposed use does not meet the conditions under the NYS Building Code to install an automatic sprinkler system and the applicant proposes the omission of sprinkler system but instead install locally mandated fire alarm and detection systems. No physical disturbance is anticipated during the proposed action.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 13-210503703

Project Name: Lands of LaGrange

Applicant: David LaGrange

Project Location: LaGrange Lane

Municipality: Town of New Scotland

Parcel Size: 173.00 acres

Zoning: Residential Agricultural (RA)

Tax Map Number: 107.-1-13.1

Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review to divide the parcel into two with existing dwelling unit on 2.36+/- acres for the purpose of sale and the other lot will be 170+/- acres.

Action Type: Subdivision Review

Juris. Determinant: State Highway, Historic District, Agricultural District,

Potential Impacts: 32 Indian Fields Road, Historic District, Agricultural District,

Staff Notes: The applicant proposes to subdivide the parcel into two lots. Lot #1 will be 2.36 +/- acres with a dwelling consisting of all existing improvements and Lot #2 will be 170+/- acres. The existing parcel is a dairy farm with hay and corn fields with some woods and various barns and outbuildings. The parcel contains two existing single family dwellings each with a well and septic system. This subdivision is intended to create a 2.36 acres parcel with one frame dwelling unit with improvements. The existing driveway will be used in common with the remaining lands of the farms as it currently does (LaGrange Lane). A common-use driveway maintenance will be included in the deed description for the 2.36 acres parcel. No physical disturbance is anticipated during the proposed action.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note: 1. Owners should be aware of potential for SWPPP due to lot sizes and potential disturbance.

Case #: 13-210503704

Project Name: Lands of Tate

Applicant: Frank Tate

Project Location: Miller Road

Municipality: Town of New Scotland

Parcel Size: 43.70 acres

Zoning: Residential Conservation (r-2)

Tax Map Number: 84.-2-47

Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review to subdivide the parcel into four (4) lots to create three buildable lots with water and sewer district extensions.

Action Type: Subdivision Review

Juris. Determinant: County Road, Agricultural District

Potential Impacts: New Scotland South Road. Agricultural District, NWI Wetlands, FEMA Floodzones

Staff Notes: The applicant proposes to subdivide the subject parcel into a total of four (4) single family residential lots, the new lots of which shall front Miller Road. 362 New Scotland South Road is currently a single family residence with onsite water and wastewater. The applicant proposes to extend the water main along Miller Road and provide public water service to the four lots. A water district extension is required to include the four (4) lots into the Heldervale Water District. The applicant proposes to extend a low pressure sewer main along Miller Road to provide public wastewater service to the four lots. A sewer district extension is required to include the four (4) lots into the Heldervale Sewer District. The new lot sizes will be: +/-1.49 acres, +/- 1.24 acres, +/- 1.24 acres and +/- 39.21 acres.

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 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.

Case #: 13-210503712

Project Name: SUP #621 - Greco

Applicant: Michael Greco

Project Location: 185 Upper Flatrock Rd

Municipality: Town of New Scotland

Parcel Size: 0.92 acres

Zoning: Residential Agricultural (RA)

Tax Map Number: 106.-1-20

Referring Agency: Town of New Scotland Planning Board

Considerations: Special use permit to allow for up to 12 chicken (hens only) and to allow for up to 25 turkeys. The turkeys would be raised for meat and for sale.

Action Type: Special Use Permit

Juris. Determinant: Agricultural District

Potential Impacts: Agricultural District

Staff Notes: The applicant requests for special use permit to allow hens to be kept on site and for up to 25 turkeys to be raised and sold. The main purpose of the proposed use is for the production of eggs and meat. The birds require separate housing coops and pen areas. All areas will have full containment and protection capabilities.

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. Any necessary permits from NYS Agricultural and Markets for the sale of produce.

Case #: 18-210503701

Project Name: Grant Kennel

Applicant: John Grant

Project Location: 241 Hill Top Road

Municipality: Town of Westerlo

Parcel Size: 0.00 acres

Zoning: Rural Development/Agricultural (RD/A)

Tax Map Number: 163.-1-25.12

Referring Agency: Town of Westerlo Planning Board

Considerations: Special use permit to use the built structure as kennel for the applicant's personal dogs and to be used as an office/storage.

Action Type: Special Use Permit

Juris. Determinant: County Road, Agricultural District, NWI Wetlands

Potential Impacts: Horseshoe Bend Road

Staff Notes: This is an application for special use permit to construct a building to raise and breed their personal dogs. The building will also be used for customers to meet when selecting their puppies. The structure will consist of 11 kennels on the first floor and a office/storage area on the second floor. The building will be located near owners home at 241 Hilltop road. The Building will appear from the road as a detached garage.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 02-210503702

Project Name: John Donato Apartments

Applicant: John Donato

Project Location: 996 Altamont Blvd

Municipality: Village of Altamont

Parcel Size: 2500.00 SF

Zoning: General Business (B0)

Tax Map Number: 48.06-3-2

Referring Agency: Village of Altamont Planning Board

Considerations: Special use permit to convert existing building into three (3) apartments.

Action Type: Special Use Permit

Juris. Determinant: Village Road, Historic District

Potential Impacts: 156 Altamont Blvd, Historic District, FEMA Floodzones, NWI Wetlands,

Staff Notes: The applicant is requesting a special use permit to build three additional apartments at 996 Altamont Blvd. Currently, the building is used as Laundromat and four apartments within the building. There is approximately 2500+/- SF in the front of the building which had once housed the Auto Parts Store but failed due to lack of business. The space has been available for rent for over a year. The applicant proposes to convert this space into three apartments. Two of the apartments would be two-bedroom apartments with handicap access via ramp. The third apartment would be a one-bedroom apartment. As per the project narrative, there is adequate parking space available for the apartments.

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. Since this is a change of use, NYSDOT may want the owner/applicant to revise the access to channelize the existing 60' wide northerly driveway.

Brian Crawford stated that Lands of Tate needs something added about Highway Permits. It was decided to add it as an Advisory Note (change is reflected above).

Gerry Engstrom made a motion to accept the Staff Opinion for Referral #'s 01-210503686, 01-210503691, 01-210503690, 17-210503696, 04-210503695, 10-210503694, 13-210503703, 13-210503704, 13-210503712, 18-210503701, and 02-210503702. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 01-210503693

Project Name: 204 Washington Avenue

Applicant: Roger David

Project Location: 204 Washington Avenue

Municipality: City of Albany

Parcel Size: 0.07 acres

Zoning: MU-NC (Mixed-Use, Neighborhood Center)

Tax Map Number: 65.80-2-50

Referring Agency: City of Albany Planning Board

Considerations: Conditional use permit for occupation of +/- 1,613 square feet of the subject property as a hookah lounge (Bar or Tavern).

Action Type: Conditional Use Permit

Juris. Determinant: State Highway

Potential Impacts: 9W Lark Street, Historic District, Washington Ave

Staff Notes: The applicant is requesting a conditional use permit for Hookah lounge establishment where customers gather to smoke hookah, retail selling of tobacco products and non-alcoholic beverages will be available for purchase. The proposed action will require a Tobacco and cigarette permit. The applicant claims that this venue will add to the already existing nightlife environment, attracting new customers to diversify current neighborhood visitors and increase sales revenue for businesses within the Lark Street and Central Avenue/Washington Avenue neighborhood. As mentioned in the CUP application this establishment will operate under 375-3(C)(4)(b)(i): bar/tavern usage by patrons. Traffic is anticipated to increase slightly on Thursday, Friday and Saturday during regular business hours. Patrons will have access to street parking on Washington Avenue, Central Avenue and Lark Street.

Staff Opinion: Modify local approval to include

1. The applicant should provide toilet rooms as required by New York State Building.

The Board did not have any questions or comments. Brian Crawford made a motion to accept the Staff Opinion for **Case #: 01-210503693**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 17-210503697

Project Name: Blackrock Holdings

Applicant: Todd Drake

Project Location: 403 3rd Ave

Municipality: City of Watervliet

Parcel Size: 0.23 acres

Zoning: MUI

Tax Map Number: 44.50-2-11

Referring Agency: City of Watervliet Planning Board

Considerations: Site plan review to stripe angled parking lines along the South & Western side of building.

Action Type: Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 32 3rd Ave, FEMA Floodzone

Staff Notes: The applicant requests site plan review to stripe parking lines along south and western building elevator to best utilize and manage the space for both business and the neighborhood. The property has been used for auto repair and this proposed action is expected to benefit the business by providing parking area and reduce street parking traffic on 4th and 5th Avenue.

Staff Opinion: Modify local approval to include

1. The City's designated engineer, if it has one, should review the plans and make a recommendation to the Council. Considerations should include reduced safety of angled parking, and possible use of reverse angle parking.
2. Parking stalls should be 9' by 18 feet, not 12 ft deep since they can encroach on the city street.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 17-210503697**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 04-210503700

Project Name: Glenmont Ventures - Route 9W Plaza at XXX Route 9W

Applicant: Glenmont Ventures, LLC

Project Location: Route 9W across from Bethlehem Town Center

Municipality: Town of Bethlehem

Parcel Size: 12200.00 SF

Zoning: General Commercial Zone

Tax Map Number: 86.00-2-22.3

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and special use permit for proposed development of commercial space consisting mixed used retail buildings with 135 parking spaces.

Action Type: Site Plan Review, Special Use permit

Juris. Determinant: Interstate Highway, State Highway, Agricultural District

Potential Impacts: I87 New York State, Route 9W, Agricultural District

Staff Notes: This project is a proposed retail center on Route 9W consisting of spaces for five tenants and two stand-alone ATM kiosks. Two of the proposed tenants will have drive-thru's. The project consists of two parcels: Parcel ID 86.00-2-22.3 and 86.00-2-22.1. The project site totals ±10.6 acres. The site is vacant and consists primarily of open meadow. There are no known easements across or adjacent to the property. The site is located entirely within the General Commercial (C) zoning district. The front of the site is relatively flat with a possible isolated (non-jurisdictional) wetland in the western portion of the site. The rear portion of the site slopes gently towards the Thruway where there are two delineated jurisdictional wetlands near the Thruway ROW. The proposed development will consist four separate buildings with space for five tenants, two of which will have drive thru's. The proposed parking is split between the front and rear of the buildings. The footprint of the proposed buildings totals approximately 15,700 square feet. The submitted plans depict the layout of the proposed driveways, sidewalk, parking areas and buildings. The open space will be used for lawns, landscaping, stormwater management and existing woodland area. The site includes 150 surface parking spaces. The main access to the project will be three proposed driveways off of the existing private roadway from Route 9W. This case was previously reviewed by ACPB in March 2021 (04-210303653) for Area variance for the commercial structures. 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: 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.

The Board did not have any questions or comments. Brian Crawford made a motion to accept the Staff Opinion for **Case #: 04-210503700**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 04-210503706

Project Name: Amendment to Local Law No.5 Section 4 - Residential Land Use Moratorium.

Applicant: Town of Bethlehem

Project Location: Town of Bethlehem

Municipality: Town of Bethlehem

Parcel Size: 0.00 N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Bethlehem Legislative Board

Considerations: Amendment to Local Law No.5 of 2020 to allow subdivision/site plan review for multi-family dwelling unit projects that have been awarded affordable housing tax credits from NYS, which will expire prior to the expiration of Local Law No.5 of 2020.

Action Type: Amendment of Local Law

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: This is an amendment to Local Law in the Town of Bethlehem. The Town Board seeks to amend Local Law No.5 of 2020 establishing a moratorium on certain residential land uses. On December 9, 2020, the Town Board adopted Local Law No. 5 of 2020, which placed a moratorium on residential development for major residential subdivisions and site plan applications with multi-family dwelling units. The local law was enacted for the purpose of limiting the amount of residential development during the consideration and adoption of a town-wide update to the Comprehensive Plan. The Town Board finds that there is a need for affordable housing in the community, few opportunities for such development to occur in the Town, and an amendment to the Local Law No.5 of 2020 is therefore appropriate and timely. This moratorium is enacted by the Town Board of the Town of Bethlehem pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law § 10.

Staff Opinion: Modify local approval to include

1. Notification of the amendment to local law should be sent to all adjacent municipalities pursuant to GML §239-nn.

The Board did not have any questions or comments. Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 04-210503706**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210503705

Project Name: Lincoln Ave Development Phase 1A

Applicant: Lincoln Ave Development LLC

Project Location: 861 First Street

Municipality: Town of Colonie

Parcel Size: 1.16 acres

Zoning: Industrial District (IND)

Tax Map Number: 44.10-1-32.3

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to develop 28+/- acres parcel with nine (9) one-story buildings of which one of the buildings will be occupied by offices and the remaining buildings will be utilized for warehouse purposes.

Action Type: Site Plan Review

Juris. Determinant: Town Road, Intercounty Boundaries

Potential Impacts: 1st Street, Lincoln Ave, Intermuniciple boundaries of Town of Colonie and City of Watervliet

Staff Notes: The applicant proposes to develop the 28 +/- acres parcel with nine (9) one-story buildings; one building would be occupied by offices and is approximately 10,000 SF with the remaining five buildings utilized for warehouse purposes (10,000 SF, 15,000 SF, 55,000 SF, 26,000 SF, 26,000 SF, 26,000 SF and 26,000 SF). The site will also include parking areas, loading docks, and a roadway network to provide access to the buildings. The project consists of an old railroad yard formerly occupied by the D & H Railroad Company. The construction is anticipated to install any required erosion and sediment control practices and install site utilities to the proposed buildings and restore trenches during installation. The proposed action also includes paved road and parking areas and restore the existing disturbed ground round the buildings and pavement area.

Staff Opinion: Modify local approval to include

1. There should be a coordinated review with the City of Watervliet for the proposed trucks entering and exiting the site.

2. Even though the parcel is zoned industrial, effects of heavy traffic should be considered since truck traffic will pass through residential areas to either US 9 or Route 32.

The Board did not have any questions or comments. Gerry Engstrom made a motion to accept the Staff Opinion for **07-210503705**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-210503708

Project Name: Paintworx

Applicant: Paintworx Collision Center

Project Location: 1169 Central Avenue

Municipality: Town of Colonie

Parcel Size: 0.40 acres

Zoning: Neighborhood Commercial Office Residential District (NCOR)

Tax Map Number: 53.7-2-45

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to construct 4100 SF addition to 750 SF of a pre-existing residence for a proposed one or two-story auto detail shop. One way ingress is proposed from Central Ave and exit by way of Knapp Ter road.

Action Type: Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 5 Central Ave

Staff Notes: Paintworx, the applicant, proposes to construct a 4,100+/- SF addition adjacent to the footprint area of the 750+/- square residential building for automotive detailing use. A one-way access to the site is proposed. Associated signage, utility connections, lighting, storm water management, landscaping are also proposed. The proposed addition will be a combination of a two story and single-story structure. The site is in the NCOR zoning district in the Town of Colonie. The site is currently vacant. it is a corner lot with two curbs into the parcel and is relatively flat. The site has a commercial use to the west and a residential to the rear and to the east.

Staff Opinion: 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 and any work within Route 5 Central Ave Right-Of-Way.
2. Applicant should show that the fire apparatus access road as required by the New York State Building Code Appendix (D) Item (D)103.4.

Advisory Note: 1. Applicant may look to connect or provide cross access and a common driveway to the adjacent property Dotts Garage.

With additional wording about Dotts Garage added as an Advisory Note, Brian Crawford made a motion to accept the Staff Opinion for **Case # 07-210503708**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 07-210503709

Project Name: Ridgewood Subdivision

Applicant: Charlew Builders, Inc.

Project Location: 34 Denison Rd

Municipality: Town of Colonie

Parcel Size: 102.79 acres

Zoning: Single Family Residence (SFR)

Tax Map Number: 17.2-1-1.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review and subdivision review for development of 79 residential units, 6 lots reserved for stormwater management, and remaining lands as open space as well as offered to the Town for a pocket park.

Action Type: Site Plan Review, Subdivision Review

Juris. Determinant: Town Road, Intercounty Boundaries

Potential Impacts: Vly Road, Intercounty boundaries of Albany County and Schenectady County

Staff Notes: The project subdivision proposes 79 single family residential lots, per the conservation overlay district the proposed lots are smaller in size on average and more than 50% of the lands have been reserved as open space. The open space areas will be owned and managed by a Homeowners' Association (HOA). A portion of lands will also be dedicated to the Town for a future pocket park, located along Denison Road. Additionally, a new roadway

system is proposed, which will include sanitary sewer, storm sewers, and water distribution to be dedicated to the Town. The physical disturbance anticipated is 47.78 acres and ACOE wetlands disturbance of 0.08 acres for a road crossing is also anticipated. Currently the site is a vacant wooded land containing mostly red oak and maple with some pine and poplar trees. The highest point is at elevation 505' and the lowest is at 348'. Stormwater runoff has concentrated in low areas of the site, and wetlands occur in areas where soil conditions are conducive. As per the project narrative, The site is located in the Midway Fire District (FD 511). Fire protection will be provided through on-site hydrants within the subdivision. Water flow capacity exists to meet fire protection needs.

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. Notification of the application should be sent to Schenectady County, including all required notices pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 07-210503709.** The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-210503713

Project Name: Amendment & Adoption of Local Law

Applicant: Town of Colonie

Project Location: Town of Colonie

Municipality: Town of Colonie

Parcel Size: 0.00 N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Amendment /adoption of local law to define "finished space" and amend section 190-19 of the zoning law regarding accessory dwelling units to attach to existing residence and footprint to include finished space.

Action Type: Amendment & Adoption of Local Law

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The Town of Colonie is proposing to amend the local law Chapter 190 of the Code of the Town of Colonie Section 190-6, 190-19 and 190-20. Chapter 190, section 190-6 shall include the definition of Finished Space as an area in a structure that has been finished for living, bathing, sleeping, eating and cooking including but not limited to bedrooms, living rooms, dining rooms, kitchens, closets, bathrooms, toilet rooms, hallways, storage or utility areas, garages and other similar spaces. Chapter 190, Section 190-19 permitted Accessory Uses is proposed to be amended as well which describes the requirements for such a permit. Chapter 190, Section 190-22 is to be amended that includes (1) General requirements (d), (2) Standards (a), (b) and (e).

Staff Opinion: Modify local approval to include

1. Notification of the amendment to local law should be sent to all adjacent municipalities pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 07-210503713**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210503714

Project Name: Amendment of Local Law

Applicant: Town of Colonie

Project Location: Town of Colonie

Municipality: Town of Colonie

Parcel Size: 0.00 N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Amendment of local law to incorporate definitions for permanent residence and short term rentals and to outline requirements for running and operation short term rentals in the Town pursuant to a use variance.

Action Type: Amendment of Local Law

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The Town of Colonie is proposing to amend the local law that includes Chapter 190 of the Code of the Town. Chapter 190, section 190-6 amendment includes definition of Permanent Residence as the occupancy of a dwelling unit by the same natural person or family for thirty or more consecutive days and Short Term Rental as any permanent single or multi-family residence that is advertised or rented for a period of less than 30 days. Chapter 190, Section 190-20 (f) amends the requirements for short term rentals.

Staff Opinion: Modify local approval to include

1. Notification of the amendment to local law should be sent to all adjacent municipalities pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion for **Case #:07-210503714.** The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 07-210503715

Project Name: Storage Shed & Gravel Expansion

Applicant: 1 West Albany Drive, LLC

Project Location: 1 West Albany Drive

Municipality: Town of Colonie

Parcel Size: 0.00 acres

Zoning: Commercial Office District (CO)

Tax Map Number: 54.3-1-31

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for recent work by the applicant that has created a gravel paved area to permit truck loading of steel items and a storage shed.

Action Type: Site Plan Review

Juris. Determinant: Intermuniciple Boundaries, Town Road

Potential Impacts: Intermuniciple boundaries of Town of Colonie and City of Albany, West Albany Drive

Staff Notes: The applicant is requesting site plan review for recently added storage tent and gravel pavement. The existing lot, prior to recent work, was occupied by a warehouse, an office

and an asphalt paved parking and truck maneuvering area. Recent work has created a gravel paved temporary laydown area and truck area. It now contains a storage shed. The site includes an isolated wetland and sloping green space. As per the site plan, limits of disturbance is 1.28 acres.

Staff Opinion: Modify local approval to include

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Notification of the application should be sent to the City of Albany, including all required notices pursuant to GML §239-nn.

Advisory Note: 1. The handicap parking area is not clearly indicated on the site plan.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 07-210503715**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 07-210503716

Project Name: Office/Warehouse Building

Applicant: VF Jet Lane, LLC

Project Location: 2 Lear Jet Lane

Municipality: Town of Colonie

Parcel Size: 0.00 acres

Zoning: Commercial Office Residential District (COR)

Tax Map Number: 19.3-1-37.11

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of three (3) one story office buildings with warehouse space and a total building area of 54,000 +/- SF.

Action Type: Site Plan Review

Juris. Determinant: Airport, Town Road

Potential Impacts: Albany International Airport, FEMA Floodzones, Old Niskayuna Road Ext, Wade Road.

Staff Notes: The applicant proposes to construct three (3) separate one story office buildings that will also have dedicated space for warehouse storage/distribution with approximately total building area of 54,000 SF. The new buildings would share a full operational access drive from Lear Jet Lane. The total office area is 21,375 SF. As per Town of Colonie parking requirements for office, one space for 225 SF of floor space is required and the applicant has anticipated that a total of 95 parking spaces will be required. The warehouse use parking requirements is space per 1.5 employees, with a total estimate of 34 employees the parking requirement for the warehouse use is 23 spaces. In total, 118 parking spaces will be provided including five (5) handicap spaces. The infrastructure necessary to provide the site with Sanitary, Water, Electric, Gas and telephone services exist and are all located along the Wade Road and Lear Jet Lane frontages. As per the project narration, the development does not impact the NYS wetlands and protected watercourse within the parcel. The existing site is currently vacant and the site vegetation for the majority consists of tall grasses and trees along the existing wetlands on the westerly side of the parcel.

Staff Opinion: Modify local approval to include

1. Review by the FAA (Form 7460-1 available from www.faa.gov) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces is required.
2. 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 **Case #: 07-210503716**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 02-210503698

Project Name: Bozenkill Road Subdivision

Applicant: VAMA Development

Project Location: Bozenkill Road

Municipality: Village of Altamont

Parcel Size: 23.87 acres

Zoning: R-20

Tax Map Number: 37.09-1-5.1

Referring Agency: Village of Altamont Planning Board

Considerations: Subdivision review to divide the parcel into four (4) lots of which three (3) lots are proposed to be developed as Single-Family residences.

Action Type: Subdivision Review

Juris. Determinant: Intermuniciple Boundaries, County Road, Agricultural District

Potential Impacts: Bozenkill Road, Intermuniciple Boundaries of Village of Altamont and Town of Guilderland, NWI Wetlands

Staff Notes: This is a project application for land subdivision of the main 23.87 acres parcel into four (4) lots. Three of these lots will be developed as Single-Family Residences, totaling 1.42 acres. The remaining 22.45 acres (lot #4) to the north will remain undeveloped. The three residential lots range in acreage from 0.46 acres to 0.50 acres and will be served by public water and sanitary sewer services. Proposed Lot #1 to be +/- 0.50 acres, Lot #2 to be +/-0.46 acres and Lot #3 to be +/-0.46 acres. This application was reviewed by ACPB in March 2019 for Subdivision Review of the parcel (02-190303233). The board decision was: "Modify local approval to include: 1 A Notice of Intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 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. Driveway access permits must be obtained from the Albany County Department of Public Works."

Staff Opinion: Modify local approval to include

1. Notification of the application should be sent to the Town of Guilderland, including all required notices pursuant to GML §239-nn.
2. 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.

3. 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.

Brian Crawford made a motion to accept the Staff Opinion for **Case #: 02-210503698**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 09-210503692

Project Name: 100 Cohoes Avenue

Applicant: Green Island Properties Inc.

Project Location: 100 Cohoes Avenue

Municipality: Village of Green Island

Parcel Size: 14.18 acres

Zoning: Industrial

Tax Map Number: 20.12-5-3

Referring Agency: Village of Green Island Planning Board

Considerations: Site plan review to construct a 80,000 SF warehouse facility.

Action Type: Site Plan Review

Juris. Determinant: Intermunicipal Boundaries

Potential Impacts: Intermunicipal boundaries of Village of Green Island and City of Cohoes

Staff Notes: Applicant proposes to subdivide the existing 100 Cohoes Avenue into 2 parcels. 100 Cohoes Avenue will have an area of 9.23 acres and a new 110 Cohoes Avenue will be created with an area of 5.36 acres. The new development will be limited to No. 100 Cohoes Avenue. Development will include a one-story 80,000 SF warehouse structure , access driveway, truck maneuvering areas and parking for 87 cars. A storm water management facility will also be constructed. An area is reserved for a 40,000 SF future addition.

Staff Opinion: Modify local approval to include

1. Notification of the application should be sent to the City of Cohoes, including all required notices pursuant to GML §239-nn.
2. 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.

The Board wanted SWPPP wording added to the modification (#2 noted above). Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 09-210503692.** The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 14-210503689

Project Name: 126 Main Street

Applicant: Joy Iafello

Project Location: 126 Main St

Municipality: Village of Ravenna

Parcel Size: 0.08 acres

Zoning: Single and Two-family Residence (R-2)

Tax Map Number: 168.10-4-4

Referring Agency: Village of Ravenna Planning Board

Considerations: Site plan review to change vacant store front into a café.

Action Type: Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 143 Main St, FEMA Floodzones

Staff Notes: The applicant proposes to replace the vacant store front with a café. The renovation process includes removal and replacement of front windows. The existing property has been vacant for more than one year. Four parking spaces are anticipated to be provided in the rear of the building. On street parking is available across the street.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for food service and other required permits.
2. Albany County Planning Board advises that the ADA will require the applicant to provide a handicap accessible entrance to the proposed café.

Jim Mearkle, Albany County Traffic Engineer, stated that a modification is needed to add wording about being ADA compliant (noted above #2).

Gerry Engstrom made a motion to accept the Staff Opinion for **Case #: 14-210503689**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 16-21053687

Project Name: 10 N.Main Microbrewery

Applicant: Northern Barrel Brewing Co.LLC

Project Location: 10 N.Main St (Building #6)

Municipality: Village of Voorheesville

Parcel Size: 2.33 acres

Zoning: Commercial Business (B -B)

Tax Map Number: 61.19-3-21

Referring Agency: Village of Voorheesville Planning Board

Considerations: Site plan review to redevelop one of the existing buildings and use it as a microbrewery and for the provisions of food.

Action Type: Site Plan Review

Juris. Determinant: County Road

Potential Impacts: N.Main Street, FEMA Floodzone, NWI Wetlands

Staff Notes: The applicant proposes to occupy a portion of an existing building that is currently located at 10 North Main Street. The existing buildings located on a parcel owned by James J. Cramer and the parcel is developed with five (5) one (1) story buildings that have historically been used for commercial purposes. The topography of the site is described as fairly flat with the elevation of the developed site being approximately 314 feet. This proposed use will encompass approximately 2,500 square feet of interior space. The proposal also includes one minor exterior site improvements by constructing a patio with an approximate area of 650 square feet which is designed to be used during good weather. The existing site has 85 parking spaces that includes circulation routes. The proposed microbrewery and restaurant will utilize the existing parking space since it opens around 4:00pm and the existing tenants of the building operate from 7:00am to 4:00pm. The required parking for the proposed use is 30 spaces. The existing water and sanitary sewer services is anticipated to remain and continue to provide

these services to the existing building. There will be no impact adjoining properties in terms of noise, visual and drainage.

Staff Opinion: Modify local approval to include

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

Brian Crawford made a motion to accept the Staff Opinion for **Case #: 16-21053687**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 10-210503699

Project Name: Curry Road Solar

Applicant: Borrego Solar Systems

Project Location: 2825 Curry Road

Municipality: Town of Guilderland

Parcel Size: 47.00 acres

Zoning: Agricultural District (A)

Tax Map Number: 15.00-2-22

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit to install a large-scale, ground-mounted, solar photovoltaic systems totaling 21.6+/- acres and Lot line adjustment to meet the setback requirements needed for solar panel layout.

Action Type: Special Use Permit, Lot line Adjustment

Juris. Determinant: Interstate Highway, Intermuniciple Boundaries

Potential Impacts: I90 New York State Thruway, Intermuniciple Boundaries of Town of Guilderland and Town of Colonie

Staff Notes: This is an application requesting special use permit to execute lot line adjustment where parcel 1 will contain 49.29 acres and Parcel 2 will contain 7.62 acres (an adjustment of 1.54 acres). The project includes the construction of a ground mounted 5,000 KW solar photovoltaic energy generating facility on 21.63 acres of the overall 49.29 acres of Parcel 1. No development is proposed on Parcel 2 and it is not counted in this projects' scope of work or site metrics. Physical disturbance on the site is anticipated during the installation of solar arrays. The site does not include any significant new impervious areas. Currently, the parcel is entirely located in an Agricultural (AG) Zoning District. The site topography of the parcel gently slopes to

the northeast for most of the site. The project site is located over two parcels, Parcel 1 (15.00-2-22 at 47.75 acres) and Parcel 2 (15.00-2-21 at 9.16 acres) both with same ownership. To meet the setback requirements and reduce the tree clearing needed for the solar panel layout, a lot line adjustment is being proposed.

Staff Opinion: Disapprove

1. Albany County Planning Board recommends that this area remain forested to minimize view and provide the current sound barrier from NYS Thruway to residents of Curry Rd.
2. There is minimal screening of the proposed project from Curry Road other than existing vegetation. Additional screening is recommended to visually screen the facility from Curry Road and adjoining properties.
3. As proposed, the project will disturb more than 21.6 acres and a phasing plan is not indicated on the SEQRA FEA Section D1e i, ii or provided. Being that the 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.
4. The applicant has not provided responses to SEQRA questions Section C.2. c, Section C.4. a, and Section E.2. h.ii. Few more sections of the FEA were either incorrect calculations or were answered "No" and conflicts with the NYSDEC EAF Mapper. It can have significant issues regarding wildlife and habitation on the site and the sections include **(a)** Section E.1. b - Acreage pre and post project do not equal and amount change do not equal totals, **(b)** Section E.2. l - Indicates no but using NYSDEC EAF Mapper indicates yes, "Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA", **(c)** Section E.2. n - Using NYSDEC EAF Mapper indicates yes, "Pitch Pine-Oak Forest", **(d)** Section E.2.o - Indicates no. Using NYSDEC EAF Mapper indicates yes, "Karner Blue, Frosted Elfin" (both federally protected endangered species butterflies), **(e)** Section E.3.c - Indicates no. Using NYSDEC EAF Mapper indicates yes, " Name of Landmark: Albany Pine Bush, Acres: 3165.255038" and **(f)** Section E.3.f - Indicates no. Using NYSDEC EAF Mapper indicates yes which requires coordination with NYS SHPO due to sensitive archeological sites.
5. The proposed site does not fit the residential and agricultural character of its surroundings, the proposed use is a utility scale industrial solar electric generation facility out of character with the rural residential and agricultural uses on adjacent properties.
6. Proposed tree cutting on this site potentially disturbs a designated significant natural community and potentially adversely impacts the federally protected Karner Blue Butterfly and Frosted Elfin requiring coordination with the US Fish and Wildlife Service. Additionally, applicant has not coordinated with NYS SHPO regarding potential impacts to a NYSDEC identified sensitive archeological site on or adjacent to the subject property.
7. It is unclear why the applicant is proposing to cut forest that is not proposed for any use but with the additional information that Pitch Pine-Oak Forest is potentially present according to NYSDEC, all tree cutting is now suspect. A comprehensive inventory of trees should be required

to identify any significant natural community in addition to coordination with NYSDEC and US Fish and Wildlife Service.

Gerry Engstrom made a motion to accept the Staff Opinion of Disapprove for **Case #: 10-210503699.** The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 01-210503688

Project Name: 11 Spring Street

Applicant: 166 Washington, LLC

Project Location: 166 Washington Avenue (To Become 11 Spring Street)

Municipality: City of Albany

Parcel Size: 0.13 acres

Zoning: MU-CU (Mixed-Use, Community Urban)

Tax Map Number: 65.80-4-46

Referring Agency: City of Albany Planning Board

Considerations: Site plan review for construction of a five-story, +/- 14,095 square foot multi-family dwelling with 19 dwelling units.

Action Type: Site Plan Review

Juris. Determinant: Federal highway

Potential Impacts: RT 9, Lark Street, Historic District, Washington Ave

Staff Notes: The Applicant proposes to construct a building to accommodate 19 new 1 BR or Studio apartments at the proposed 11 Spring Street. The existing parcel is Tax Map Parcel #-65.80-4-46. This parcel is occupied by a 3 story apartment building with the rear portion of this structure being a one and a two story building. The Applicant proposes to subdivide this parcel into two parcels with the portion facing on Spring Street to be known as 11 Spring Street. The existing parcel has an area of 5,612 SF or 0.129 acre of which 192 SF or 0.004 acre (or 3.4% of site) is pervious. The proposed 11 Spring Street will have an area of 3,537 SF (0.081 acre) of which 360 SF or 0.008 acre (or 10.2% of site) is pervious.

Staff Opinion: Disapprove

1. Site Plan does not conform to section D104.1 of the New York State Building Code. Building or facilities exceeding 30 feet or three stories in height shall have at least

two means of fire apparatus access for each structure. Site plan does not depict two apparatus access locations.

2. Site plan and building plans do not conform to section D105.1 of the New York State Building Code. It states where the vertical distance between the grade plan and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Section 105.2 Width states, Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. Section 105.4 Obstructions states, overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Current site plan show overhead utilities in the aerial fire apparatus road.

Zach Powell, Senior Planner for the City of Albany, spoke about some of the concerns raised by the Board. He stated that the City has spoken with the City Fire Dept. and the City Building Dept. and based on their review they believe it meets the current codes and standards. The City is in the process of developing an SOP dealing with situations related to fire access. Related to the parking concerns the City of Albany has a section in their code related to properties less than 5,000SF in area that they are exempt from parking requirements. The ACPB did receive public comments regarding the lack of parking in this area.

Dominic Rigosu stated a variance would be needed from NYS not the local fire dept. and building dept. because it is a NYS Building Code requirement. The local fire dept. can support a variance but cannot override the NYS Building Code. Dan Hershberg indicated that there is an exception to this requirement, but the ACPB is not aware of that and at this time needs to make the decision based upon the NYS Building Code.

Brian Crawford made a motion to accept the Staff Opinion of Disapprove for **Case #: 01-210503688.** The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 13-210503711

Project Name: SUP #619 - Borrego Solar

Applicant: Steven Burke

Project Location: Altamont Road

Municipality: Town of New Scotland

Parcel Size: 27.20 acres

Zoning: Residential Agricultural (RA)

Tax Map Number: 72.-1-65

Referring Agency: Town of New Scotland Planning Board

Considerations: Special use permit for a large scale solar application to be allowed on a parcel that recently received an area variance to proceed on prime soil.

Action Type: Special Use Permit

Juris. Determinant: State Highway, Agricultural District

Potential Impacts: US 156 (Altamont Road), NYS designated Agricultural District and State Road, prime soil

Staff Notes: This is an application requesting a special use permit to install large scale solar on a 27.2 acre parcel. Upon receiving approval for an area variance to install the solar farm on prime soils this application is before ACPB for SUP. According to the Town's zoning code, solar arrays are not allowed to be installed on prime soils. The property is located within 500 feet of agricultural district. The supporting documents does not include any Ag Data Sheet. The site consists of existing trees along the western property line to be utilized as a visual buffer. Vegetative screening barriers are proposed along the property line to screen the solar farm. The proposal includes a utility pole, electric equipment area, 6 feet wood stockade fence, and a 4 feet wide access gate to the west of the property. This case was reviewed by ACPB in November 2020 (13-201103599). The case was disapprove with the following comments: "1. The request does not fulfill the balancing test for area variances set forth in State Statue. 2. Town Law prohibits construction of solar array projects on parcels with prime soil. Advisor Note: 1. An agricultural data sheet is not required for an area variance. However, because the issue at hand is prime soils, a survey of surrounding farms and areas may be helpful in determining the appropriateness of this specific area variance. 2. While the property development will require a site plan review, the zoning board should not grant the variances without first consulting NYS DOT on the proposed design layout and curb cut changes. "

Staff Opinion: Disapprove

1. Town Law prohibits construction of solar array projects on Parcels with prime soil.
2. The applicant has removed all transformers and interconnect infrastructure from their application stating that this is under the purview of National Grid and National Grid's responsibility to apply for any needed permits. A special permit cannot be issued to a project that all the development facts are not present and the electrical infrastructure can and commonly is extremely unsightly and not rural in character which the surrounding area is (albeit there are high voltage transmission lines adjacent to property).
3. Upon re-examining the submission, there is potential for significant glare from multiple viewpoints at multiple times of the day, both on foot, from adjacent homes and while driving which could present a dangerous condition. Applicant has increased screening but it is still possible that glare will be visible from the Thacher State Park and State Park trail.

4. The proposed site does not fit the rural, agricultural character of its surroundings, the proposed use is a utility scale industrial solar electric generation facility out of character with the rural residential and apple orchard on adjacent properties.

Travon Jackson made a motion to accept the Staff Opinion of Disapprove for **Case #: 13-210503711.** The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 05-210503707

Project Name: O'Brien Two Lot Subdivision

Applicant: Michael O'Brien

Project Location: Alcove Road & Ringwald Road

Municipality: Town of Coeymans

Parcel Size: 18.00 acres

Zoning: Residential Agricultural (R/A)

Tax Map Number: 178.-1-11.1

Referring Agency: Town of Coeymans Planning Board

Considerations: Subdivision review to divide 18 acres parcel by Alcove and Ringwald Roads. Lot #1 to be 8.67 acres and lot #2 to be 9.33 acres.

Action Type: Subdivision Review

Juris. Determinant: Town Road, Intercounty Boundaries

Potential Impacts: Alcove Road, Intercounty boundaries of Albany County and Greene County

Staff Notes: This an application for subdivision review to divide 18 acres parcel into two (2) lots. As per the site plan, Lot #1 to be 8.67 acres and Lot #2 to be 9.33 acres. The application does not state any future plan for the lots. The parcel is located within 500 feet of intercounty boundaries of Albany County and Green County.

Staff Opinion: Disapprove

1. The Albany County Planning Board found the site plan map to be unacceptable for review purposes. The site plan does not show the periphery of Lot#2. The lot dimensions on the site plan and SEAF does not match.
2. Notification of the application should be sent to Greene County, including all required notices pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion of Disapprove for **Case #: 05-210503707.** The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 14-210503710

Project Name: Paul Musso - Mixed Use Store Front

Applicant: Paul Musso

Project Location: 22 Main Street Ravena

Municipality: Village of Ravena

Parcel Size: 0.17 acres

Zoning: General Business (B-1)

Tax Map Number: 168.11-3-2

Referring Agency: Village of Ravena Planning Board

Considerations: Site plan review to use the front portion of the first floor residence as store front for business.

Action Type: Site Plan Review

Juris. Determinant: State Highway, Intermunicipal Boundaries

Potential Impacts: 143 Main St, Intermunicipal boundaries of Village of Ravena and Town of Coeymans

Staff Notes: The applicant proposes to modify interior of the structure to have a small store and residence. It will be a owner occupied business. Back of the first floor and all of second floor will be residence. The proposed floor plans does not indicate the presence of any parking but on-street parking is available on the far side of the street. The ramp, as shown in the proposed plans, could partially block the driveway or if doubled back parallel to Rte. 143 it may encroach on the sidewalk.

Staff Opinion: Disapprove

1. The Albany County Planning Board finds that the proposed action does not meet parking requirements and does not meet ADA requirements.
2. The Town should ensure that adequate number of parking spaces is provided for both uses of the building. All parking should be delineated on the plan.

Gerry Engstrom made a motion to accept the Staff Opinion of Disapprove for **Case #: 14-210503710**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Unfinished Business: Gopika Muddappa, Senior Planner, continues to work on matters related to Resolution 384 for 2020.

New Business:

1. There was an issue with a submission of 5 cases from the Town of Coeymans and they did not make today's agenda. A special meeting will be held on May 27, 2021 at 1:PM to discuss those cases.
2. The Board needs to plan for meetings to become in-person again vs remote. Brian Crawford suggested checking with the Albany County Legal Dept. for clarification on requirements that need to be in place for meetings. Lynn Delaney, Secretary, will call Cornell Cooperative Extension to see if we can reserve a meeting space there for our remaining 2021 meetings and to find out any "rules" that they have regarding in person meeting procedures.
3. The next meeting will be held on May 27, 2021 at 1:PM via Skype. The regularly scheduled June meeting will be held on June 17, 2021 at 3:30 via Skype.

Adjourn: Gerry Engstrom made a motion to adjourn at 4:35pm.

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