

ACPB July 15, 2021 Meeting Minutes

The July 15, 2021 Albany County Planning Board meeting was held in person at Cornell Cooperative Extension located at 24 Martin Road Voorheesville, NY.

Board Members Present: Dominic Rigosu, Brian Crawford, Enzo Sofia & Gerry Engstrom. Travon Jackson was delayed and arrived just prior to the end of the meeting.

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

Guests: Dan Hershberg, representing Hershberg and Hershberg; Mark DeAngelo representing Amazon Construction Services.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:37PM.

Gerry Engstrom made a motion to approve the June 17, 2021 Meeting Minutes. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Gerry Engstrom made a motion to move the 6 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 Enzo Sofia and was unanimously approved by the Board.

Case #: _____	<u>01-210703757</u>
Project Name:	191 North Pearl Street
Applicant:	191 North Pearl Street LLC
Project Location:	191 North Pearl Street
Municipality:	City of Albany
Parcel Size:	0.21 acres
Zoning:	R-M (Multi-Family); MU-CU (Mixed-Use, Community Urban)
Tax Map Number:	65.82-6-30
Referring Agency:	City of Albany Planning Board
Considerations:	Site plan review for construction of 28,000 SF four (4) story apartment building for market-rate, residential housing consisting of a total of 18 units including parking.
Action Type:	Site Plan Review
Juris. Determinant:	State Highway, City Road, Historic District
Potential Impacts:	32 N Pearl Street, Broadway, Historic District

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Staff Notes: The project includes the construction and installation of an approximately 28,000 sq. ft. , 4 story apartment building for market-rate, residential housing consisting of a total of 18 units. There will be approximately 13 fully covered parking spaces in the heated garage and cable/Internet that will be offered as part of the apartment rental package to prospective tenants. This application as The Wilson Apartments (01-160602579) was reviewed by the board in June 2016 requesting area variance and site plan review. Albany County Planning Board recommended, "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 #: 05-210703755
Project Name: **Pilhofer Area Variance**

Applicant: Kathryn Pilhofer
Project Location: 1018 Starr Road
Municipality: Town of Coeymans
Parcel Size: 1.02 acres
Zoning:
Tax Map Number: 132.-5-1
Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Area variance requesting a 28' rear lot variance to build a deck on the rear of the house.

Action Type: **Area Variance**

Juris. Determinant: County Road, Agricultural District, Municipal Boundary
Potential Impacts: 102 CR Starr Road, Agricultural District, Intermunicipal boundaries of Town of Coeymans and Town of Bethlehem

Staff Notes: This is an application requesting an area variance to install a deck in the rear of the parcel. The proposed 28' rear yard variance does not meet the 50' requirement for rear setbacks. The parcel shares its site boundary with that of Albany Water Board.

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 #: **05-210703760**
Project Name: **Therrien Area Variance**

Applicant: Daniel Therrien
Project Location: 125 Old Alcove Road
Municipality: Town of Coeymans
Parcel Size: 2.00 acres
Zoning:
Tax Map Number: 166.-1-52
Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Area variance requesting a 15' slide lot variance to place a storage shed.

Action Type: **Area Variance**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: This an application requesting area variance to propose a 24'x32' storage building in the side lot of the property. The proposed building is 15' from neighbors property line of trees which conflicts the town zoning code where 20' is the minimum requirement.

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

Case #: **07-210703753**
Project Name: **Outback Steakhouse**

Applicant: Wolf Road Park II, LLC
Project Location: 145 Wolf Road (Within the plaza)
Municipality: Town of Colonie
Parcel Size: 8.40 acres
Zoning: Commercial Office Residential District (COR)
Tax Map Number: 42.2-6-1.2-2
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of a 600 SF patio over existing landscape. No changes to the site statistics or any changes to ingress/egress is proposed.

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Action Type: Site Plan Review

Juris. Determinant: Town Road

Potential Impacts: Wolf Road

Staff Notes: This is an application for site plan review to install an outdoor patio 600 SF. The applicant proposes to remove portions of existing pavement to maintain the existing greenspace on site. The patio will be lit by building mounted down style lighting. The proposed site coverage statistics will not be changed from the existing conditions. The equivalent pavement shall be removed and restored to grass as shown on the site plan. No impacts of proposed development is anticipated with regards to traffic, visual characteristics, electric lines, solid waste generation, noise, and dust during construction. The site contains one existing one-story building which has multiple tenants, one of which is the Outback Steakhouse.

Staff Opinion: Defer to local consideration

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

Case #:

07-210703758

Project Name:

Siena (Building Addition & Bull Pens)

Applicant:

Siena College

Project Location:

515 Loudon road

Municipality:

Town of Colonie

Parcel Size:

155.00 acres

Zoning:

Single Family Residential District (SFR)

Tax Map Number:

43.2-1-12.1

Referring Agency:

Town of Colonie Planning Board

Considerations:

Site plan review for construction of two pitcher's bull pens similar to existing dugouts at ball fields. A 2,200 SF addition above the existing lobby of the Marcell Athletic Complex. A secondary stairs to the outside of the South End of Addition is proposed. No changes to the ingress/egress.

Action Type: Site Plan Review

Juris. Determinant: State Highway, Town Road

Potential Impacts: 9 Loudon Road, Spring Street Road

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Staff Notes:

The Bob Guild Athletic Academic Center is a second floor addition above the existing main lobby of the facility. It is approximately 2,200 SF and will contain four small tutoring rooms, a 1,000 SF group study room, and two staff offices. An internal bridge will connect the north end of the addition to the existing second floor Athletic offices while a new enclosed stair will provide the second means of egress to the ground level at the south end. The structure will be steel framed with a brick facade to match the existing building. Typical power, lighting, communications and an extension of the Fire Alarm system will be provided. Full automatic fire sprinkler system will be extended off the existing system. Two new rooftop units will provide HVAC for the new Academic Center as well as the existing lobby below.

Staff Opinion:

Defer to local consideration

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

Case #: _____

13-210703752

Project Name:

Lands of Albright

Applicant:

Tim Albright

Project Location:

172 Martin Road Extension

Municipality:

Town of New Scotland

Parcel Size:

6.65 acres

Zoning:

Residential Agricultural (RA)

Tax Map Number:

71.-1-31.1

Referring Agency:

Town of New Scotland Planning Board

Considerations:

Subdivision review to subdivide parcel into two for estate planning.

Action Type:

Subdivision Review

Juris. Determinant:

Agricultural District

Potential Impacts:

Agricultural District

Staff Notes:

The applicant proposes to subdivide an existing 6.65 +/- acres parcel into two lots for the purpose of estate planning. Lot #1 is to be 2.35 +/- acres and Lot #2 is to be 4.30 +/- acres. Lot #1 will be conveyed to the Albright's son with improvements. The existing driveway will service both lots with a "Common-Use Driveway Road Maintenance Agreement" placed in each deed. No physical disturbance is anticipated during the proposed action. No construction is planned at this time.

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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.

The Board did not have any questions or comments on the 6 cases. Brian Crawford made a motion to accept the Staff Opinion for the following case #'s: **01-210703757, 05-210703755, 05-210703760, 07-210703753, 07-210703758 & 13-210703752.** The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 05-210703754

Project Name: Palmer Use Variance

Applicant: Kathleen Palmer

Project Location: 11 Second Street

Municipality: Town of Coeymans

Parcel Size: 0.05 acres

Zoning: Single and two Family Residence (R-2)

Tax Map Number: 168.12-2-8

Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Use variance to convert a first floor garage space into a bagel shop.

Action Type: Use variance

Juris. Determinant: State Highway

Potential Impacts: 144 Main Street, Historic District

Staff Notes: The applicant requests a use variance to convert first floor into a bagel shop. The first floor of the building is currently being used as a garage. The applicant sees this an opportunity to earn substantial amount of monthly rent. The proposed action is within community character and no other changes are proposed.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for food service and other required permits.
2. The applicant proposes few indoor tables for dine-in purposes, hence, the applicant should provide ADA complaint bathrooms and entrances.

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The Board did not have any questions or comments. Enzo Sofia made a motion to accept the Staff Opinion for Case #05-210703754. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 07-210703747

Project Name: Latham Ford Building

Applicant: Daniel Hershberg

Project Location: 702 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 2.87 acres

Zoning: Commercial Office Residential District (COR)

Tax Map Number: 19.3-1-2.1

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for construction of automobile sales and services facility size allowance.

Action Type: Area Variance

Juris. Determinant: State Highway

Potential Impacts: 7 Troy Schenectady Road

Staff Notes: The applicant proposes to construct a new automobile sales and facilities featuring Ford vehicles, known as Latham Ford development shall include a two story building, access driveway, parking, landscaping, lighting and stormwater management. An area variance is proposed to allow the construction of building to exceed 30,000 SF footprint. Total acreage of land to be physically disturbed is 5.9 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 Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a Storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
3. This application includes an area variance proposing significant changes to town code regulations. The Albany County Planning Board advises the town zoning board to consider

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whether the alleged difficulties were self-created and whether the benefits sought by the applicant can be achieved by some feasible method other than an area variance.

Dan Hershberg, of Hershberg and Hershberg, was asked to speak about this project. The Board did not have any questions or concerns after Dan's explanation about the need to go over 30,000SF. Enzo Sofia made a motion to accept the Staff Opinion for Case #07-210703747. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210703749

Project Name: Fast Food & Financial Buildings

Applicant: Trinity Realty Group, LLC

Project Location: 1893 Central Avenue

Municipality: Town of Colonie

Parcel Size: 2.27 acres

Zoning: Commercial Office Residential District (COR)

Tax Map Number: 29.10-1-12.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to subdivide the lot into two and construct a 2,500 SF financial institution and 2,145 SF fast food building.

Action Type: Site Plan Review, Subdivision Review

Juris. Determinant: State Highway, Municipal Boundary

Potential Impacts: 5 Central Avenue, Intermunicipal Boundaries of Town of Colonie and Village of Colonie

Staff Notes: This is a redevelopment project proposing to subdivide the existing parcel into two parcels. East side of the parcel will be occupied by a 2,200 SF (0.92 acres) fast food restaurant with 46 seats and two drive thru lanes merging to one pick up lane and 25 parking spaces with one way traffic will be developed around the building. The west side of the parcel will be occupied by a 2,500 SF (1.3 acres) single story financial institution with two drive up tellers lane and one automatic teller lane. This institute will consist of 39 parking spaces and exiting sidewalk along Central Avenue. The site was formerly occupied by a restaurant and large parking area. More than one acre of the property is to be disturbed during the proposed action. The parcel has two existing curb cuts onto Central Avenue (NYS Route 5) one at each end of the site. An ingress/egress easement has been provided to the parcel from the existing Aldi

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Supermarket to the east to allow vehicles to exit onto Central Avenue via the existing traffic signal.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for food service and other required permits.
2. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a Storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
3. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed use of existing driveway.

The Board did not have any questions or concerns. Brian Crawford made a motion to accept the Staff Opinion for Case # 07-210703749. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 07-210703751

Project Name: Dunsbach Ferry Subdivision

Applicant: 80 Dunsbach Ferry Subdivision

Project Location: 82 Dunsbach Ferry Road

Municipality: Town of Colonie

Parcel Size: 9.65 acres

Zoning: Single Family Residential District (SFR)

Tax Map Number: 9.2-3-1.112

Referring Agency: Town of Colonie Planning Board

Considerations: Conservation subdivision creating 10 residential lots and one conservation lot of 5.62 acres served by a Cul-De-Sac. Plan delineates existing wetlands and steep slopes and uses an existing berm to buffer lots from I-87.

Action Type: Subdivision Review, Site Plan Review

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Juris. Determinant: Interstate highway

Potential Impacts: I-87 Adirondack Northway, Agricultural District

Staff Notes: The applicant is proposing to subdivide an existing 9.65 acres parcel into 10 single family parcels along with the construction of a new town roadway and associated municipal services including sanitary sewer, storm sewer and water systems. The parcel is currently undeveloped and vacant. The parcel consists of a pond and discharges through swales and closed drainage piping towards the west and towards the drainage swale that intercepts the drainage runoff from the I-87 Adirondack Northway. The entire parcel frontage with the I-87 has a berm and is wooded with well-established landscaping that provides a visual and noise buffer to the highway traffic. Dunsbach Ferry Road within the right-of-way contains municipal infrastructure consisting of municipal sanitary sewer and water mains; it also contains gas, telephone and CATV. These systems can provide municipal services to the project site. The concept plan for the subdivision was revised after receiving comments from Albany County Planning Board and the neighbors to maintain the privacy of the neighbors and to reduce the impacts to the wetlands. The proposed development will have minor impacts upon the environment, traffic and community services consisting of police, fire protection and solid waste disposal. These impacts range from none to minor and have been identified and taken into consideration in planning and designing the proposed development. This project was previously submitted to ACPB for review (07-201103588). The project has been modified to reduce its impacts and the applicant requests for new recommendations. Previous recommendation of ACPB were, " Modify local approval to include: 1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a Storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Storm water Discharges (GP-0-15 003, May 1, 2015) for construction activities that disturb more than one acre of land. 2. A Construction Activity Permit is GP-0-15-002. 3. Over 5 acres of disturbance is expected therefore a phasing plan required. 4. Large amount of wetland disturbance shown in site plans, justifications should be made as to why the disturbances are necessary for the project. 5. Storm water management area is located directly adjacent to an open waterbody, this land use does not classify as a "hotspot" but treatment practices should be in place upstream of retention to prevent groundwater contamination 5. NYSDOT is only mandated to fund noise abatement if there is construction of a highway on a new location, or if there is physical alteration of an existing highway. In the developer's narrative there is mention of keeping the vegetation behind parcel 8 and 9. The Town may want to consider analyzing the noise impact of clearing out any of the vegetation that is adjacent to I87 and making approval contingent on further noise mitigation strategies if necessary. The developer should clarify if the existing berm will be impacted.

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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 Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a Storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. A Construction Activity Permit GP-0-15-002 is required.
3. Over 5 acres of disturbance is expected therefore a phasing plan required.

Dominic Rigosu recused himself from voting on this case due to a conflict of interest. Bill Anslow, Albany County Civil Engineer, mentioned that many modifications have been made since the last submission. Brian Crawford commented that we have seen this case before and this submission is much better. Enzo Sofia made a motion to accept the Staff Opinion for Case #07-210703751. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: 07-210703756

Project Name: Project Frost/Amazon

Applicant: Mark DeAngelo, TES AMZL - Amazon

Project Location: 1 Mustang Drive, 9 Fonda road, 20 Green Mountain Drive

Municipality: Town of Colonie

Parcel Size: 17.42 acres

Zoning: Industrial District (IND)

Tax Map Number: 5.1-1-21, 5.3-1-18.1, 5.1-1-25.8

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed project that involves the reuse and renovation of an existing manufacturing facility and vehicle maintenance/storage yard as a distribution center.

Action Type: Site Plan Review

Juris. Determinant: Agricultural District

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Potential Impacts: Agricultural District

Staff Notes: The proposed project involves the reuse and renovation of an existing manufacturing facility and vehicle maintenance/storage yard as a distribution center. The project includes improvements to the parking and stormwater management areas as well as construction of a new parking, sidewalks, drainage features, landscaping and other site amenities. The three parcels are proposed to be combined into one. As per the project narrative, the existing use of the tax parcels 5.01-1-21 is Manufacturing – Precision Valve & Automation (1 Mustang), 5.01-2-1.1 is Vacant/ Lawn (9 Fonda) and 5.01-1-25.8 is Birnie Bus Service, Inc (20 Green Mountain). The existing 1-story manufacturing building (± 116,091 sf.) at 1Mustang Drive will be renovated as a warehouse/distribution facility. This operation will function 7 days/week 24 hrs./day. The existing building at 20 Green Mountain Drive will remain unchanged. The existing parking areas to the north will be utilized for overnight delivery van storage and will be improved with new asphalt pavement, striping, dark-sky compliant lighting, and stormwater management. A canopy is proposed to be installed on the north building elevation to provide cover for the delivery van loading area. A total of 539 spaces for cars and vans is proposed. This design is expected to accommodate approximately 105 associates working inside the building and the van drivers. The project will be constructed in a single phase. 8.86 acres of physical disturbance is anticipated during the proposed action.

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 Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a Storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Construction Activity Permit is GP-0-15-002.
3. As per the FEAF, wetland disturbance is anticipated. Hence, 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.

Mark DeAngelo, Amazon Construction Services, was asked if he had anything to add that had not already been mentioned about this case. He stated that he did not. Gopika Muddappa, Albany County Senior Planner confirmed that Jim Mearkle, Albany County Traffic Engineer had reviewed this information prior to the meeting.

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Gerry Engstrom made a motion to accept the Staff Opinion for Case #**07-210703756**. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: **10-210703750**

Project Name: **3397 Carman Road Area Variance**

Applicant: Gabe August

Project Location: 3397 Carman Road

Municipality: Town of Guilderland

Parcel Size: 0.87 acres

Zoning: Local Business District

Tax Map Number: 15.18-3-40

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance to allow a reduction in minimum lot size on Lot #1 to 12,983 SF where 20,000 SF is required and to allow a reduction in lot width on Lot #1 to 77 ft. where 100ft is required. Two lot minor subdivision creating one new lot.

Action Type: Area Variance

Juris. Determinant: State Highway

Potential Impacts: 146 Carman Road

Staff Notes: This is an application for area variance associated with the proposed two-lot minor subdivision seeking relief from the minimum lot area requirements in a local Business zoning district. Upon subdivision of the property the does not meet the minimum lot area requirements. The variance request is to allow a reduction in minimum lot size on Lot #1 to 12,983 SF where 20,000 SF is required and to allow a reduction in lot width on Lot #1 to 77 ft. where 100ft is required. Lot #1 consists of a single-family home, detached garage and shed and measures roughly 7,000 SF below the minimum lot requirement. No change to the character of the neighborhood or physical/environmental change to the property is anticipated.

Staff Opinion: Modify local approval to include

1. The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the town code in the local business district.

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The Board discussed their concern that the Town of Guilderland submitted both the Area Variance and Subdivision Review at the same time for review at this month's meeting. One came from the Zoning Board and the other from the Planning Board. This makes voting confusing because to vote on the Subdivision, you first have to vote on the Variance. The Town of Guilderland wants the ACPB to vote on them separately, but Dominic Rigosu suggested submitting it as one application instead. But, after further thought, Gerry Engstrom stated that the TOG Zoning Board needs to approve the Area Variance first, and then send the Area Variance application back to the TOG Planning Board for Subdivision review. Therefore the Subdivision Review shouldn't be sent to the ACPB until after that process has occurred.

Brian Crawford made a motion to accept the Staff Opinion for Case # **10-210703750**. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: **10-210603762**
Project Name: **3397 Carman Road Subdivision**

Applicant: Gabe August
Project Location: 3397 Carman Road
Municipality: Town of Guilderland
Parcel Size: 0.87 acres
Zoning: Local Business District
Tax Map Number: 15.18-3-40
Referring Agency: Town of Guilderland Planning Board

Considerations: Two lot minor subdivision creating one new lot. Lot#1 would consist of 12,983SF and would contain an existing single-family residence with accessory buildings. Lot #2 would consist of 22, 523 SF and would contain a duplex.

Action Type: **Subdivision Review**

Juris. Determinant: State Highway
Potential Impacts: 146 Carman Road

The Town should submit the Subdivision Review Referral again in August after the TOG has approved the Variance, and the ACPB will make a determination at that time.

Enzo Sofia made a motion to postpone review of Case #**10-210603762** until next month after the Town of Guilderland Zoning Board approves the Area Variance. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

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Case #: 13-210703759

Project Name: Stewarts Shop Clarksville - Area Variance

Applicant: Stewarts Ice Cream Co.

Project Location: 2475 Delaware Tpke

Municipality: Town of New Scotland

Parcel Size: 2.60 acres

Zoning: Commercial (COM)

Tax Map Number: 93.-1-29

Referring Agency: Town of New Scotland Zoning Board of Appeals

Considerations: Area variance for 2.5 feet of relief to allow 12'x69' addition across the back of the store.

Action Type: Area Variance

Juris. Determinant: State Highway

Potential Impacts: 443 Delaware Tpke, 85 New Scotland Road, FEMA Floodlands

Staff Notes: The applicants requests an area variance for a building addition of 833 SF. The variance is required to meet the side setback requirements where 15' is allowed and 12.5' is proposed requesting relief for 3.5'. This is an expansion of existing use requesting to be able to keep up with the consumer trends/demands for food to go items. The building addition is to the rear of the building so no change will occur to the exterior façade facing Delaware Turnpike. No undesirable change in the neighborhood character or to nearby properties. The project site is currently an active Stewart's Shop convenience store with self-service gasoline. The proposed building addition will result in an improvement of an existing use.

Staff Opinion: Modify local approval to include

1. The Albany County Planning Board recommends that the Town should request the applicant to pass the overall statutory test before granting the area variance for self-created alleged difficulty.

Advisory Note:

1. The Albany County Planning Board encourages the Town of New Scotland to require a geotechnical evaluation for the soil stability behind the proposed addition.

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Brian Crawford brought up concerns about the steep slope behind the building. The Board reviewed the Site Plan/Grading Plan and commented that there isn't a retaining wall proposed. It was determined that an Advisory Note addressing these concerns should be added (noted above).

Gerry Engstrom made a motion to accept the Staff Opinion for Case #13-210703759. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: 18-210703761

Project Name: Town of Westerlo Local law No.01 of 2021

Applicant: Town of Westerlo

Project Location: Town of Westerlo

Municipality: Town of Westerlo

Parcel Size: 0.00 N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Westerlo Legislative Board

Considerations: Amendment of local law for renewable energy section of the zoning law.

Action Type: Amendment of Local Law

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: Amendment of local law for renewable energy regulations that are intended to ensure these systems are appropriately designed, sited and installed, in a manner consistent with the Town of Westerlo's comprehensive plan. These amendments focus on Commercial and Residential Solar Energy Systems, wind energy conservation systems and battery energy storage systems. The new law will significantly modify the existing zoning by providing more definition and detail to the laws it will replace. The change is anticipated to generate no significant environmental impact. This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

Staff Opinion: Modify local approval to include

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

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The Board did not have any questions or comments. Gerry Engstrom made a motion to accept the Staff Opinion for Case #18-210703761. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 18-210703746

Project Name: Angela Carkner Wedding Event Space

Applicant: Angela Carkner Wedding Event Space

Project Location: 420 CR 404

Municipality: Town of Westerlo

Parcel Size: 10.00 acres

Zoning: Rural Development/Agricultural

Tax Map Number: 151.-2-23

Referring Agency: Town of Westerlo Planning Board

Considerations: Site plan review and special use permit to allow tents and port-a-potties for wedding events.

Action Type: Site Plan Review, Special Use Permit

Juris. Determinant: County Road

Potential Impacts: County Route 404

Staff Notes: The applicant is requesting site plan review and special use permit to allow outdoor event on the farm for weddings, birthdays parties, graduation and similar events. The events are likely to hold 150 guests per event. The property consists of 1.5 acres of flat ground which the applicant proposes to use as the parking lot to accommodate at least 100 vehicles including handicap parking. The entrance of the proposed parking connects to County Route 404. Events at the farm would be held on Fridays, Saturdays, and Sundays. Restrooms for all events will be rented from Big Top rentals or another similar company. Two tent sites are proposed, one in the back of the barns and the second tent in the front of the barns.

Staff Opinion: Disapprove

1. The Albany County Planning Board requires a site plan that includes details of the proposed use for site plan review since the proposed action can have significant effects on traffic and stormwater. All future referral applications 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 ACPB recommends to the Albany County DPW that any application for curb cut permit onto a County Road should be denied until all required documents are provided for review purposes.

ACPB July 15, 2021 Meeting Minutes

Advisory Note:

1. Because of the change in use from residential/agricultural land to commercial use, the Albany County DPW should review the driveway for adequacy for the new use. To facilitate review, the plans should include the width and geometry of the existing driveway and intersection sight distance from the driveway.

The Board commented that a Site Plan was not provided so there wasn't much to review. In addition, the submission was confusing with conflicting acreage mentioned on what was provided by the applicant vs the tax map.

Brian Crawford made a motion to accept the Staff Opinion of Disapprove for Case #**18-210703746**. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Old Business: None.

New Business: The next meeting of the Albany County Planning Board will be located at Cornell Cooperative Extension on August 19, 2021 at 3:30pm. Enzo Sofia commented that he will not be able to attend that meeting.

Adjourn: Enzo Sofia made a motion to Adjourn at 4:10pm.