

ACPB August 19, 2021 Meeting Minutes

The August 19, 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, and Travon Jackson.

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: None

Minutes: Lynn Delaney, Secretary

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

Dominic Rigosu stated that the Board will vote on the July Meeting Minutes at our September meeting.

Brian Crawford made a motion to move the 9 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 Travon Jackson and was unanimously approved by the Board.

Case #: 01-210803768

Project Name: 7 Wilbur Street

Applicant: Gerard Marzocchi

Project Location: 7 Wilbur Street

Municipality: City of Albany

Parcel Size: 0.06 acres

Zoning: R-T (Townhouse)

Tax Map Number: 76.49-5-47

Referring Agency: City of Albany Planning Board

Considerations: Special use permit for conversion of a two-family townhouse to three-family townhouse.

Action Type: Special Use Permit

Juris. Determinant: Federal Highway

Potential Impacts: 20 Madison Ave, Historical District

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Staff Notes: A special use permit is requested by the applicant for addition of a residential unit to the existing townhouse in the ground floor basement. The building area to be occupied is 646.78 SF. The basement apartment will be used as a rental apartment after renovation. Renovation will include installation of sheetrock walls, flooring, plumbing, heat and electric. The applicant expects the duration of work to be 30 days and no impact on the neighborhood is anticipated during the proposed action. The residential unit will include living room, kitchen, bathroom, and bedroom.

Staff Opinion: Defer to local consideration

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

Advisory Note: 1. All future referral applications for special use permit for conversion of townhouses are required to include an official drawing by a licensed professional.

Case #: 03-210803782

Project Name: Teat's Minor Subdivision

Applicant: Melanie & Jeff Teats

Project Location: 1579 Thatcher Park Road

Municipality: Town of Berne

Parcel Size: 39.00 acres

Zoning:

Tax Map Number: 80.-2-18

Referring Agency: Town of Berne Planning Board

Considerations: Subdivision review to subdivide the parcel into two lots to separate land and house from vacant part of acreage.

Action Type: Subdivision Review

Juris. Determinant: State Road

Potential Impacts: 157A Thatcher Park Road, 157A Warner Lake Road, NWI Wetlands, Warner Lake

Staff Notes: The applicant is proposing to subdivide the property into two lots. Lot #1 is to be 5.01 acres with the existing house and Lot #2 to be 84.58 acres of vacant land. Currently, the right to utilize for purpose of ingress & egress a right-of-way of 50' wide and running along the

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northeasterly boundary of the lands now or formerly owned by Rose & Hayden along lands now or formerly of Edward Pitcher, Mary Long and Albert Long which right-of-way crosses part of lands conveyed from William D Hayden to Mary Rissacher and her husband Robert. The right-of-way is intended to run with the land to the benefit of all parties. The most significant feature of this property is the large area that is in state-designated wetland, which has the DEC designation AL-35, according to the wetland survey for the Town. The total acreage of the wetland is about 70 acres, a little over half of which is on the property that is being subdivided. Both the 5- acre Lot 1 and the 64-acre Lot 2 have a portion of the wetland. This wetland is part of the headwaters of the Fox Creek and therefore has an important function in flood mitigation for that stream.

Staff Opinion: Defer to local consideration

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

Case #: 04-210803762

Project Name: Bare Blends

Applicant: AJ Signs

Project Location: 380- 392 Feura Bush Road, Glenmont in Glenmont Plaza

Municipality: Town of Bethlehem

Parcel Size: 12.91 acres

Zoning: Commercial Hamlet (CH)

Tax Map Number: 97.15-2-3./9001

Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance to allow corner tenant's additional signage of 32 SF to the south facade where only 22 SF is allowed, to increase visibility of the plaza to shoppers and motorists on Rt 9W.

Action Type: Area Variance

Juris. Determinant: State Highway, Federal Highway

Potential Impacts: 910A Feura Bush Road, Route 9W

Staff Notes: This is an application for installation of a wall sign at the 380-392 Feura Bush Road. The sign will be located on the south elevation of the building which faces the shops in Glenmont Plaza as well as Rt 9W. The new sign will not have any impacts on the character of

the neighborhood nor create an undesirable change. The sign is intended to guide people to find the location of Bare Blends. No other feasible method was found desirable to benefit the applicant other than an additional sign. The difficulty could be viewed as self-alleged but the applicant claims that the plaza was built in a way that is difficult for the public to see the signs on Feura Bush Rd.

Staff Opinion: Defer to local consideration

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

Case #: 04-210803763

Project Name: Calvins Holdings, LLC Minor Subdivision - Commercial

Applicant: Jason R. Peterson (owner of Bethlehem Land Surveying & property owner of Calvin's Holdings, LLC)

Project Location: 343/345 Delaware Ave (west of the intersection of Becker Terrace and within 200' from the AC rail trail)

Municipality: Town of Bethlehem

Parcel Size: 1.10 acres

Zoning: Hamlet (H)

Tax Map Number: 85.12-4-16

Referring Agency: Town of Bethlehem Planning Board

Considerations: Minor subdivision review to subdivide the parcel into two(2) lots with two existing commercial brick buildings with ingress/egress, public utilities and parking lots. The existing buildings are proposed for sale with each building on proposed lot #1 and lot #2.

Action Type: Subdivision Review

Juris. Determinant: State Highway

Potential Impacts: 443 Delaware Ave, 140 Kenwood Ave, Historic District

Staff Notes: The existing property is proposed for subdivision review to divide the parcel into two lots. The property consists of two existing commercial building and the proposed subdivision of 1.1 acres of parcel will result in one building in each parcel. Both the proposed lots will be put forward for sale of property after the subdivision. The proposed use of the property will remain commercial.

Staff Opinion: Defer to local consideration

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

Case #: 05-210803764

Project Name: Stanton Legacy Farms, LLC - Two-Lot Subdivision

Applicant: Stanton Legacy Farms, LLC

Project Location: 508 Biers Road

Municipality: Town of Coeymans

Parcel Size: 135.40 acres

Zoning: Residential Agricultural (R/A)

Tax Map Number: 131.-3-5.21

Referring Agency: Town of Coeymans Planning Board

Considerations: Subdivision review to subdivide 135.4 acre parcel into two (2) lots. Lot #1 to be 49.1 acres and Lot #2 to be 86.3 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road, Agricultural District

Potential Impacts: CR 301 Cedar Grove Road, CR 108 Copeland Hill Road, Agricultural District, Historic District, FEMA Floodzones and NWI Wetlands

Staff Notes: The applicant proposes to subdivide the parcel located at 508 Biers Road into two lots. Lot #1 to be 49.1 acres and Lot #2 to be 86.3 acres. The property is located within an Agricultural District containing a farm operating. As per SEAF, 135.4 acres of physical disturbance is anticipated. The parcel consists of grasslands and wetlands.

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 site plan does not show boundaries of both the proposed lots.

Case #: 07-210803780

Project Name: Rejuva Center - Additions

Applicant: New England Laser Systems LLC

Project Location: 1072 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 1.90 acres

Zoning: Commercial Office Residential District (COR)

Tax Map Number: 18.-2-8

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of one-story entrance/check-in area facing Residence Inn Drive and a two-story bump out addition of existing office space facing the parking lot. The new additions will increase the buildings gross square feet of 1,004 SF. No changes to ingress/egress.

Action Type: Site Plan review

Juris. Determinant: State Road

Potential Impacts: 7 Troy Schenectady Road, FEMA Floodzones

Staff Notes: The applicant is proposing to add two small additions to the existing structure, for the purpose of improving patient access to the building and to increase office space for existing employees. The first addition will be a one-story entrance/check-in area facing Residence Inn drive, and the second addition will be a two-story bump out of the existing office space, facing the parking lot. The new additions will increase the building's gross floor area by approximately 1,004 SF. In order to accommodate the addition, existing parking spaces, curbing, and sidewalks will be modified. The number of parking spaces will remain unchanged at 103 spaces. Approximately 5200 SF (0.1 acres) will be distributed by this project, and the overall impervious area will increase by 143+/- SF. The additional impervious surface will generate less than 0.1 CFS of stormwater discharge during the 100-year storm, and have a negligible effect on the existing storm drainage on site. Hours of operation will remain the same, and there will be no anticipated impacts on traffic.

Staff Opinion: Defer to local consideration

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

Case #: 07-210803786

Project Name: Town of Colonie Opt-Out of On-Site Cannabis Consumption

Applicant: Town of Colonie

Project Location: Town-wide

Municipality: Town of Colonie

Parcel Size: N/A N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Colonie Legislative Board

Considerations: Adoption of proposed local law of the Town of Colonie to opt out of on-site cannabis consumption premises pursuant to the Marijuana Regulation and Taxation Act and subject to a permissive referendum pursuant to Sections 90 and 91 of the New York State Town Law.

Action Type: Adoption of Local Law

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: It is the intent of this local law to opt the Town of Colonie out of hosting on-site cannabis consumption establishments within its boundaries and outside the boundaries of the Villages of Colonie and Menands. This local law is adopted pursuant to the terms of the Marijuana Regulation and Taxation Act and specifically Cannabis Law § 131, which expressly authorizes cities, towns and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries. This local law is proposed to take effect immediately upon filing with the Secretary of State.

Staff Opinion: Defer to local consideration

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

Case #: 10-210803778

Project Name: Jimmy's Egg

Applicant: Ray Sign

Project Location: 1800 Western Ave

Municipality: Town of Guilderland

Parcel Size: 2.14 acres

Zoning: Local Business District (LB)

Tax Map Number: 52.09-5-10

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance for additional building signage over 50 SF allowable for the location.

Action Type: Area Variance

Juris. Determinant: Federal Highway

Potential Impacts: 20 Western Ave

Staff Notes: This is a variance application for additional building signs greater than 50SF as allowed by code. The applicant is requesting for additional 46.84 SF of signage to be allowed. No undesirable change is anticipated. The applicant believes that the total allowable footage is not enough to market the business. The lettering of the sign will not be internally illuminated. The sign lettering will be 18" tall metal letters.

Staff Opinion: Defer to local consideration

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

Case #: 08-210803777

Project Name: Hoffman's Re-Zone

Applicant: HDC2 Realty 1755 Central, LLC

Project Location: 1755 Central Ave

Municipality: Village of Colonie

Parcel Size: 2.25 acres

Zoning: Commercial A

Tax Map Number: 29.15-1-47.1

Referring Agency: Village of Colonie Planning Board & Zoning Board of Appeals

Considerations: Amendment of zoning ordinance to rezone a portion of Single Family Residential A to Commercial A zoning district to be filed under Local Law #1 of 2021 to change Village Code Sections 242-8,242-18.

Action Type: Rezoning, Amendment of Zoning Ordinance, Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 5 Central Avenue

Staff Notes: This is a request for zone change for property at 1755 Central Ave in the Village of Colonie. A rear portion of the 1755 Central Ave property (Jiffy Lube), approximately 1.2 acres, is within the Residential A District. The Residential A district prohibits commercial uses. The applicant is seeking a zone change for a minor expansion of their paved driveway at the 1757 Central Ave property (Hoffman Car Wash), which is accessory to the commercial use. The applicant seeks to have a portion (10,400 SF) of the rear property within residential zone to be changed to allow for commercial use.

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 concerns. Brian Crawford made a motion to accept the Staff Opinion for **Case #'s: 01-210803768, 03-210803782, 04-210803762, 04-210803763, 05-210803764, 07-210803780, 07-210803786, 10-210803778, and 08-210803777.** The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-210803766

Project Name: New Russia Cultural Center

Applicant: Michael Roth, SRG Architects

Project Location: 1366 Central Avenue

Municipality: Town of Colonie

Parcel Size: 0.25 acres

Zoning: Commercial Office Residential District (COR)

Tax Map Number: 42.17-6-31

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to construct a 2,560 SF Community Center with parking and utilities to celebrate Russian Heritage for approximately 50 members.

Action Type: Area Variance

Juris. Determinant: State Highway, County Road

Potential Impacts: NY5 Central Ave, CR 156 Fuller Road

Staff Notes: This is a proposal to construct a 2,560SF community center within Commercial Office Residential (COR) zoning district has 10,858 SF lot area where 20,000 SF minimum is required, 51.85' of frontage is proposed where 100' minimum is required and 6' side yard setback is proposed on both sides of the building where a total of 25' is required with a 10' minimum on one side. The proposed action does not meet the town code as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25 and 190 Attachment #2. The existing building on the property is a vacant house which is fire damaged. The applicant requests to allow the lot setbacks and frontage to meet client needs.

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.

Brian Crawford made a motion to accept the Staff Opinion for **Case #:07-210803766.** The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 01-210803769

Project Name: 19 & 23 Hackett Boulevard

Applicant: Albany Leadership Charter High School for Girls

Project Location: 19 & 23 Hackett Boulevard

Municipality: City of Albany

Parcel Size: 4.25 acres

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

Tax Map Number: 76.9-2-5, 76.9-2-4

Referring Agency: City of Albany Planning & Zoning Board of Appeals

Considerations: Area variance and special use permit/conditional use permit to permit the construction of a +/-2,166 square foot temporary trailer classroom with a front setback of 182

feet, to allow a trailer to be stored in a side yard, to allow a modification to the parking configuration that increases an existing parking nonconformity, and for the occupation of the trailer for a classroom.

Action Type: Area Variance, Special Use Permit

Juris. Determinant: State Property & Facility

Potential Impacts: New York State Office for People With Developmental Disabilities

Staff Notes: The applicant proposes for Three (3) Area Variances and Conditional Use Permit/Special Use Permit to permit the construction of a +/-2,166 square foot temporary trailer classroom with a front setback of 182 feet, where the maximum permitted is 10 feet, to allow a trailer to be stored in a side yard, where trailers are only permitted in rear yards, to allow a modification to the parking configuration that increases an existing parking nonconformity, and for the occupation of the trailer for a classroom, where schools are a conditionally permitted use. No impact on traffic, noise, odor or sewage generation (storage tanks will be used for wastewater) is anticipated. There may be a minor increase in water use (365 GPD). The Applicant believes that the requested changes may be considered “self-created”. The applicant believes that the temporary trailers would not have any impact on the character of the neighborhood impact. The proposed building will be utilized as a school with temporary classrooms to serve Albany Leadership Charter High School for Girls. The maximum number of students would be 64 and the maximum number of teachers would be 4. This temporary use is consistent with current use of adjoining parcel by Albany Leadership Charter High School for Girls. The applicant expects the during of the installation of the trailers and water connection to be approximately 2 weeks from the receipt of a building permit. Classroom use will be 12 months from receipt of a Certificate of Occupancy. This is an agreement between St. Paul's Episcopal Church and Albany Leadership Charter High School for Girls to allow for the installation of the temporary classrooms and connection of the water service and retains access to the church. There will be no commercial deliveries specific for this use as this use will obtain any products from deliveries to Albany Leadership Charter High School for Girls. No changes to any curb cuts, sidewalks or crosswalks in public streets is proposed.

Staff Opinion: Modify local approval to include

1. The applicant should be aware that the building foot print on the site map does not match with other construction drawings provided for review.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 01-210803769**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 04-210803781

Project Name: Stewarts Shop's Redevelopment

Applicant: Stewart's Shops Corp.

Project Location: 33/21 Frontage Road

Municipality: Town of Bethlehem

Parcel Size: 1.62 acres

Zoning: Rural Light Industrial (RLI)

Tax Map Number: 87.03-1-12, 87.03-1-13

Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance for accessory (diesel canopy) located in the front yard setback associated with the construction of a convenience store with fuel islands.

Action Type: Area variance

Juris. Determinant: State Road, Interstate Highway

Potential Impacts: 32 Delaware Bypass, I87 New York State Thruway

Staff Notes: This is a proposal for redevelopment project involving the existing Stewart's Shops convenience store (2,352 SF) with self service gasoline and the former Johnny's B's Glenmont Diner. The proposal calls for the ultimate construction of a new Stewart's Shops convenience store with self service gasoline. The existing Stewart's Shops and canopy will be demolished and the former Johnny B's Glenmont Diner building will be relocated off site by the current owner. The owner and operating of the former Johnny B's Glenmont diner is still evaluating what he will do with the former diner. Total disturbance of 1.4 acres is anticipated during the proposed action. As per SEAF, stormwater from the site ultimately flows to the NYSDOT drainage ditch on Route 9W.

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. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.

3. Review by the Albany County Department of Health for food service and other required permits.
4. 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 unnecessary hardship.

Brian Crawford made a motion to accept the Staff Opinion for **Case #:04-210803781**. The motion was seconded by Travon Jackson was unanimously approved by the Board.

Case #: 05-210803775

Project Name: Entrott Area Variance

Applicant: James Entrott

Project Location: 1638-1642 US 9W

Municipality: Town of Coeymans

Parcel Size: 2.50 acres

Zoning: Planned Commercial (C-1P)

Tax Map Number: 144.-1-17

Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Area variance to meet the lot width requirements. The proposed lots will be 90' in width where 100' is required in the C-1P zoning district.

Action Type: Area Variance

Juris. Determinant: Federal Highway

Potential Impacts: US Route 9W

Staff Notes: The proposed new lots need an area variance to meet the minimum lot width requirement as per the Town Code of 165-8-Schedule of District Zoning Regulations. The new lots will have a lot width of 90' where a minimum of 100' is required. The applicant is required to meet the minimum requirements in order to subdivide the lots into two(2). The applicant requests for 10' relief to the lot as the two-lot subdivision cannot be completed without the variance. No new structures or driveways are added to the property. No changes is proposes to the subdivision other than adding a diving lot line. Lot#1 to be 1.25 acres and Lot #2 to be 1.25 acres.

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 state statutory test to demonstrate any “unnecessary hardship” before granting the area variance.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 05-210803775**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210803765

Project Name: Colonie Senior Service PDD Amendment

Applicant: Colonie Senior Service Centers, Inc.

Project Location: 11 Elks Lane

Municipality: Town of Colonie

Parcel Size: 5.57 acres

Zoning: PDD

Tax Map Number: 31.4-5-37.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for demolition of former Elks Lodge and Sheds and construction of 127,500 SF three-story building containing 99 senior apartments (with 162 beds), a senior center, wellness center, and other common areas including 105 parking spaces. An easement shared with the Elks Club will provide access from the termination of Elks Lane and an emergency road will access directly from Watervliet-Shaker Road.

Action Type: Site Plan Review, PDD Amendment

Juris. Determinant: State Highway, Historic District

Potential Impacts: 155 Watervliet-Shaker Road

Staff Notes: The Applicant proposes to redevelop the existing site by demolishing the existing building and sheds and removing any pavement/concrete that is on site. The proposed project is the construction of a new 127,500± SF, three story building which will contain 99 senior apartments (with 162 beds), a senior center, wellness center and other common areas. The building will be sprinklered. A common easement shared with the Elks Club will provide access from the termination of the public road on Elks Lane and an emergency road is proposed to access directly from Watervliet-Shaker Road. The project will provide 1.06 parking spaces per apartment unit which is less than the town code requirement but is consistent with the needs of the existing facility known as King Thiel Senior Center. Parking will be provided for 105 cars

which includes 12 ADA handicapped parking spaces, 32 garage spaces and 1 handicap garage space. Two parking spaces have been identified for Electric Vehicle (EV) charging stations. An additional 43 parking spaces will be banked. The construction of the building will be completed in one phase. The existing site is made up of 5.57 acres. The existing lot consists of an existing building, with sidewalk and asphalt surrounding. Also, an existing pavilion and sheds are on site.

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 to the local fire department for review and comment on emergency access and the emergency plan.

Brian Crawford made a motion to accept the Staff Opinion for **Case #: 07-210803765**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-210803767

Project Name: Night Rider Janitorial Services

Applicant: John Denny

Project Location: 1153 Loudon Road

Municipality: Town of Colonie

Parcel Size: 0.78 acres

Zoning: Commercial Office Residential District (COR)

Tax Map Number: 10.1-1-2

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for site improvements for new tenant occupancy which includes creating five (5) new parking spaces. Slight improvement/modification is proposed to the existing curb cut and driveway.

Action Type: Site Plan Review

Juris. Determinant: Federal Highway

Potential Impacts: US 9 Loudon Road

Staff Notes: The applicant is proposing to make some minor site improvements including slight modifications to the existing curb cut and driveway for new tenant occupancy. Other site improvements include creating five new asphalt parking spaces. The property is currently vacant and is proposed for a business purpose as an office space for staff working for the new tenant, Night Rider Janitorial Services. Total acreage to be physically disturbed is indicated as 0.28+/- acres. As per SEAF, stormwater runoff from the site will continue to be tributary to the existing drainage system.

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.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 07-210803767**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210803770

Project Name: 600 Troy Schenectady Mini Mart

Applicant: Steve Wilson-Bohler Engineering

Project Location: 600 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 1.00 acre

Zoning: Highway Commercial Office Residential District (HCOR)

Tax Map Number: 19.14-3-1

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for demolition of existing retail store and construction of a mini-mart associate with fuel canopy with pumps, fuel tanks and waste refuse to meet the Town Land Use requirements.

Action Type: Area Variance

Juris. Determinant: State Highway

Potential Impacts: 2 Troy Schenectady Road

Staff Notes: The proposal for a 2,890+/-SF mini-mart with associated fuel canopy with pumps, fuel tanks and waste refuse, located in the Highway Commercial Office Residential District

(HCOR) has the mini mart 61.4', the fueling canopy at 64.3' and the waste refuse at 196' away from the zone boundary line of the Single Family Residential (SFR) zoning district where 200' is required. The fuel tanks and waste refuse are located inside the 20' side yard setback and it is not complaint with the Town of Colonie Land Use Law. The applicant alleges that the site resides on a corner property along a prominent heavily trafficked road, with a third road, coupled with airport traffic that utilizes the airspace over this neighborhood which further adds to the commercial nature of the location. The enforcement of the required 200' buffer seems impossible to develop the property. The 20' side yard setback requirement might restrict the safe circulation of traffic around the site. The applicant requests to allow demolition of the existing structure and improve the setback distance from the existing residential zone line, and to keep the dumpster enclosure and fueling tanks as far away from the residential zone as possible. 1.3 acres of physical disturbance is anticipated.

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 to the local fire department for review and comment on emergency access and the emergency plan.
3. 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.
4. Review by the Albany County Department of Health for food service and other required permits.
5. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.
6. The Town of Colonie should consider an easement to allow ingress/egress from the adjacent Empire Visionworks.

Brian Crawford made a motion to accept the Staff Opinion for **Case #: 07-210803770**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-210803771

Project Name: Latham Ford

Applicant: Latham Ford-F, LLC

Project Location: 702 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 6.01 acres

Zoning: Commercial Office Residential District (COR)

Tax Map Number: 19.3-1-2.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed construction of a new 42,528 SF automobile sales and service facility featuring Ford vehicles, known as Latham Ford development shall include a two story building, access driveways, parking, landscaping, lighting, and stormwater management.

Action Type: Site Plan Review

Juris. Determinant: State Highway

Potential Impacts: 7 Troy Schenectady Road

Staff Notes: The existing site (702 Troy Schenectady Road) is a recently subdivided parcel of 6.01 acres (261,756 S.F.) which is currently vacant and a portion of the site was formerly developed and used as a gas station. No protected watercourse areas are detected on the site. The site is currently vacant with no usage. The town has a utility easement along the westerly side of the site that is proposed to be relocated. There are no existing utilities within the easement. The Applicant proposes to construct a new two story for Latham Ford along with associated utility connections, driveways, grading, site lighting, landscaping and stormwater management. The construction of the building is proposed to be built in one phase. The proposed gross floor area of the new building is 42,528 SF which includes parts storage, 25 service bays, office space and a mezzanine. The roof peak will be approximately 32 feet above ground level. The Applicant believes that a total of 332 parking spaces would meet the potential demand for parking and vehicle storage/display/inventory. Two parking spaces will be identified for Electric Vehicle (EV) Charging stations. The applicant has requested waivers to permit the building to be set further back from Route 9 and a eliminate the minimum of 20 sq. ft. of landscaped island included in the interior of the parking area where vehicle storage is proposed. The Applicant believes that locating this building 25 feet from the street line of Troy

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Schenectady Road presents difficulties allowing no practical alternatives to the proposed waiver. An area variance is also proposed to allow the construction of the building to exceed a 30,000 SF footprint. Total acreage of physical disturbance is expected to be 5.9 acres.

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.
2. 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.
3. 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.
4. The applicant should provide documentation of overall statutory test to demonstrate unnecessary hardship when submitting for an area variance.

The Board had a discussion about this project and the fact that we saw this last month for Area Variance review. It was determined that the proposed Advisory Note should actually be a modification (noted above as #4).

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 07-210803771**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-210803783

Project Name: The Works Bakery Café

Applicant: Richard French II (The Works Bakery Café)

Project Location: 592 Loudon Road (Newton Plaza)

Municipality: Town of Colonie

Parcel Size: 10.77 acres

Zoning: Neighborhood Commercial Office Residential District (NCOR)

Tax Map Number: 31.3-4-72.21-1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for tenant fit out and new curbside pick up lane, walk-in cooler (208)SF and directional signage. No changes to ingress/egress is proposed.

Action Type: Site Plan Review

Juris. Determinant: Federal Highway

Potential Impacts: 9 Loudon Road, NWI Wetlands

Staff Notes: The applicant is proposing to lease a 2,698 SF restaurant space at Newton Plaza, which is on a 9.93 +/- acre lot at 592 Loudon Road. The proposed Works Bakery Café will be located in the middle of the Plaza, in the space presently occupied by Brugger's Bagels on the south side of the northern main building. The current space includes a fenced-in outdoor patio area for customers. The applicant is proposing interior and exterior modifications to meet the needs of new tenant. Modifications include, relocation of the main entrance, addition of 8'x26' walk-in cooler on the rear of the restaurant, installation of new decorative fencing and an addition of a new door. There will be no on-site ordering like at a traditional drive-thru but the lane will provide stacking space for 3-4 vehicles. Directional signage will be added to the existing sign near the northern entrance to the Plaza and additional signage and pavement marking are to be installed to direct customers around the rear of the building to the curbside pickup lane. No utility changes are proposed for this project. The existing fire hydrant near the side of the building will be protected by a curbed island and bollards. Approximately 3,700 SF (0.07 acres) will be distributed by this project, and approximately 1,163 Sf of impervious surface will be added. The project will be developed in single phase, beginning with removal of the existing patio and landscaping, followed by new walk-in cooler, pavement and patio installation, then final landscaping.

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 #: 07-210803783**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 10 -210803772

Project Name: Airgas

Applicant: Northeastern Ip Holdings Inc

Project Location: Northeastern Industrial Park (2 Van Buren Blvd)

Municipality: Town of Guilderland

Parcel Size: 3.00 acres

Zoning: Industrial (IN)

Tax Map Number: 50.00-1-14.21

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance and special use permit for the proposed storage and distribution facility, which will include storage/distribution tanks for argon and nitrogen and other accessory uses.

Action Type: Area Variance, Special Use Permit

Juris. Determinant: County Road, Agricultural District

Potential Impacts: CR 201 Depot Road, Agricultural District, EMA Floodzones, NWI Wetlands

Staff Notes: Airgas is proposing a storage and distribution facility, which will include storage/distribution tanks for argon and nitrogen, which will be serviced by the existing rail line. The facility will also include the use of an existing building within the Industrial Park for a 2-bay truck garage, offices, restrooms and other accessory uses. Total acreage of disturbance is expected to be 0.49 acres. The Airgas proposal will be on an approximately 3-acre site within the Industrial Park, which is completely paved and currently used for storage and other industrial uses. The Facility will also include the use of an existing building within the Industrial Park for a 2-bay truck garage, offices, restrooms, and other accessory uses to accommodate the Facility. While the proposed storage/distribution tanks will be for argon, the Facility will be available to all Airgas operations, which will include but is not limited to the direct transfer (rail to truck) of carbon dioxide without storage of the same. With this location, the Facility is expected to improve the industrial gas supply reliability and customer service, while significantly reducing over-the-road transportation miles and associated emissions by the rail car service, in line with Airgas' climate objectives. Airgas is seeking an area variance to permit ten (10) storage/distribution tanks, which are 46' 9" feet in height, where 20 feet is permitted for accessory structures under Zoning Code § 280-24(A)(2). Accordingly, a 26' 9" height variance is requested.

Staff Opinion: Modify local approval to include

1. Notification should be given to the local fire department to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 10 -210803772**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 10-210803779

Project Name: Mueller 2-lot Minor Subdivision

Applicant: Paul Mueller

Project Location: 4117 Western Turnpike

Municipality: Town of Guilderland

Parcel Size: 64.40 acres

Zoning: Rural Agricultural -3 District (RA3)

Tax Map Number: 26.00-1-1

Referring Agency: Town of Guilderland Planning Board

Considerations: Area variance to subdivide the 64+/- acres property into two lots with a relief from side setback to facilitate this subdivision.

Action Type: Area Variance

Juris. Determinant: Federal Highway

Potential Impacts: 20 Western Ave, Agricultural district, NWI Wetlands

Staff Notes: The applicant proposes to subdivide the 64+/- acre property into two lots. The subdivision will be performed in accordance with Guilderland Zoning Ordinance Section 280-11 Rural Agricultural (RA3) Districts "Single Lot Exemption" clause. In order to provide a 15' width "flagpole" to Western Turnpike, the existing residence will be located within the required setback envelope, creating a nonconforming lot. An area variance is requested to allow relief from the side setback to facilitate this subdivision. The proposed subdivision is required to obtain a variance due to the geometry of the lot and the location of the existing residence. To provide a rear lot with direct access to Western Turnpike, an area variance is required to obtain relief from the side yard setbacks required. Lot #1 to be 61.40 acres and Lot #2 to be 3 acres.

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.

Advisory Note: 1. The applicant should note that the width of the driveway access to Lot #1 is narrow for vehicular access.

The Board had concerns about the width of the driveway (noted above in the Advisory Note).

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 10-210803779**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 10-210803784

Project Name: Upstate Nutrition

Applicant: Alissa Negus

Project Location: 1237 Western Ave

Municipality: Town of Guilderland

Parcel Size: 0.20 acres

Zoning: Local Business District (LB)

Tax Map Number: 52.20-3-54

Referring Agency: Town of Guilderland Planning Board

Considerations: Special use permit for conversion of a tanning salon to a juice bar.

Action Type: Special Use Permit

Juris. Determinant: Federal Highway

Potential Impacts: 20 Western Ave

Staff Notes: This is an application requesting special use permit for a retail fit up of second location of Upstate Nutrition. This is a proposed tea and shake shop for creating nutritious drinks for customers. No disturbance is anticipated during the fit up. The retail shop will consist of four(4) employees working typical work hours 7am-6pm Monday to Friday and 9am-2pm Saturday to Sunday.

Staff Opinion: Modify local approval to include

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

The Board determined that there should be a mention of DOT Review and Permits (noted above as #2).

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 10-210803784**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 10-210803785

Project Name: YS Catalytic

Applicant: Sergey Sandul (YS Property Holdings II, LLC)

Project Location: 70 Railroad Ave

Municipality: Town of Guilderland

Parcel Size: 1.99 acres

Zoning: Industrial (IN)

Tax Map Number: 53.05-1-10

Referring Agency: Town of Guilderland Planning Board

Considerations: Special use permit for the construction of a 14,400 SF warehouse for handling of catalytic converters.

Action Type: Special Use Permit

Juris. Determinant: County Road, Municipal Boundaries

Potential Impacts: CR Fuller Road, Intermunicipal Boundaries of Town of Guilderland and City of Albany, Intermunicipal Boundaries of Town of Guilderland and Town of Colonie

Staff Notes: The applicant is seeking to expand his catalytic converter recycling business by developing the 1.99 acre property. The majority of the lot is covered in gravel and deteriorating pavement, and is used for outdoor storage of trailers and vehicles, although there are two small (1000+/- SF) storage building on site. The applicant proposes to clear the existing structures on site and construct a 14,400 +/-SF warehouse building for the handling and warehousing of catalytic converters. 25 parking spaces will be provided for employees and customers and loading docks in the rear will accommodate tractor-trailers. Water and Sanitary service will be provided by connecting to the existing water and sewer mains on Railroad Avenue. All added stormwater runoff will be handled on-site by the installation of three underground stormwater management area on site. Two acres of 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 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 Town of Colonie and City of Albany, including all required notices pursuant to GML §239-nn.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 10-210803785**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 18-210803773

Project Name: Beers

Applicant: Joshua Beers

Project Location: 608 Cty Rte 404

Municipality: Town of Westerlo

Parcel Size: 3.00 acres

Zoning: Residential Hamlet (RD/H)

Tax Map Number: 151.-1-18.14

Referring Agency: Town of Westerlo Planning Board

Considerations: Site plan review and special use permit to install ground base solar array.

Action Type: Site Plan Review, Special Use Permit

Juris. Determinant: County Road, Agricultural District

Potential Impacts: CR 404 Bear Swamp Road

Staff Notes: The applicant is requesting a special use permit for a residential ground based PV 11.9 KW solar array that is over 400 SF, as per Town zoning section 18.40-2(VIII). The project will require a variance since the array is proposed to be located less than 50 foot from the property lines as required by zoning.

Staff Opinion: Modify local approval to include

1. An AG sheet should be provided since the property is within 500' of an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.
2. The applicant should provide a Short Environmental Assessment Form that includes details on land disturbances for the proposed action.

Brian Crawford made a motion to accept the Staff Opinion for **Case #: 18-210803773**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 18-210803774

Project Name: Clickman Subdivision

Applicant: Lisa Pruim

Project Location: Cty Rte 408

Municipality: Town of Westerlo

Parcel Size: 50.00 acres

Zoning: Residential Hamlet (RD/H)

Tax Map Number: 150.-1-3.2

Referring Agency: Town of Westerlo Planning Board

Considerations: Subdivision review to divide 50 acres into four(4) large lots to be sold as vacant land.

Action Type: Subdivision Review

Juris. Determinant: County Road, Agricultural District

Potential Impacts: CR 408 Fancher Road, CR 413 Chapel Hill Road, Agricultural District, NWI wetlands

Staff Notes: The applicant proposes to subdivide the 50 acres parcel into four(4) lots. The property is currently vacant and no houses are proposed to be build by the applicant or the owner. No disturbance of land is expected during the proposed action. The proposed lots does not connect to the existing public/private water supply but a drilled well will be provided by the new owner. The proposed action does not connect to the existing wastewater utilities but the new owner will have to install a septic system. Lot #1 to be 9.2 acres, Lot #2 to be 10.108 acres, Lot #3 to be 13.035 acres and Lot #4 to be 17.645 acres.

Staff Opinion: Modify local approval to include

1. An AG sheet should be provided since the property is within 500' of an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.

Advisory Note: 1. Before approving the recommendation, the Town should require the applicant to show that each of the four lots has access locations on their frontages with adequate sight distances and grades. Lot #2 appears to have excessive slopes on both CR 408 and Clickman Road frontages.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 18-210803774**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 18-210803787

Project Name: Town of Westerlo 2021 Comprehensive Plan

Applicant: Town of Westerlo

Project Location: Town of Westerlo

Municipality: Town of Westerlo

Parcel Size: N/A N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Westerlo Legislative Board

Considerations: Adoption/Amendment of Comprehensive Plan to guide current and future growth and development in the Town of Westerlo

Action Type: Adoption/Amendment of Comprehensive Plan

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The Town of Westerlo is proposing adoption/amendment of a new town-wide comprehensive plan to guide current and future growth and development in the town. This plan will serve the entire town and all of its existing districts. The Comprehensive Plan includes sections detailing Existing Conditions. These sections detail inventories and analysis of conditions that affect the social, economic and environmental character of the Town. The Town of Westerlo has undertaken this comprehensive planning effort as a step in updating local policy and regulatory tools.

Staff Opinion: Modify local approval to include

1. Notification of the adoption/amendment of Comprehensive Plan should be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn.

Travon Jackson made a motion to accept the Staff Opinion for **Case #: 18-210803787**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

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Old Business: None

New Business: Cornell Cooperative Ext. does not have the meeting room available next month. The next meeting of the Albany County Planning Board will be on September 16, 2021 at 3:30pm at the Albany County DPW office in Voorheesville.

Adjourn: Travon Jackson made a motion to adjourn at 4:03pm.