

ACPB September 16, 2021 Meeting Minutes

NOTE: Due to issues related to Covid-19, the September 16, 2021 meeting of the ACPB was held remotely via Microsoft Teams. 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: Brian Crawford, Enzo Sofia, Gerry Engstrom and Travon Jackson (joined the meeting at approx. 3:40pm).

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

Guests: Sean Mulkerrin, Altamont Enterprise Newspaper

Minutes: William Anslow

Call to Order: Brian Crawford called the meeting to order at 3:35PM.

Gerry Engstrom made a motion to approve the July 15, 2021 meeting minutes. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Gerry Engstrom 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 Enzo Sofia and was unanimously approved by the Board.

Case #: 01-210903792

Project Name: 869 Madison Avenue

Applicant: Madison Pub, LLC

Project Location: 869 Madison Avenue

Municipality: City of Albany

Parcel Size: 0.14 acres

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

Tax Map Number: 65.61-4-27

Referring Agency: City of Albany Planning Board

Considerations: Special use permit for the occupation of +/-2,000 SF of the ground floor as a bar or tavern.

Action Type: Special Use Permit

Juris. Determinant: State Road

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Potential Impacts: 20 Madison Ave

Staff Notes: The applicant proposes to use the ground floor of an existing building at 869 Madison Avenue as a bar/tavern. Building area to be occupied is 2,000 SF and outdoor site area to be occupied is 500 SF. The first floor of the building will be used as a residential apartment. The proposed bar/tavern will operate Monday to Sunday 4pm-2am. The property was previously used as a bar and the applicant plans to turn key establishment in a mixed use walkable neighborhood. The bar will consist of driveway but the proposal mostly expects foot traffic.

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. Department of Health should be notified if food is to be served in the tavern/bar. 2. ADA compliant entrances should be added to the proposed use of the building.

Case #: 03-210903795
Project Name: Scram Subdivision

Applicant: Walter Scram
Project Location: 334 Sickle Hill Road
Municipality: Town of Berne
Parcel Size: 47.40 acres
Zoning: Residential/ Agricultural/Forestry (RAF)
Tax Map Number: 89.-1-16.1
Referring Agency: Town of Berne Planning Board

Considerations: Subdivision review to create two lots. Lot #1 to be 13.14 acres and Lot #2 to be 34 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road, Agricultural District
Potential Impacts: CR 13 Sickle Hill Road, Agricultural District, NWI Wetlands

Staff Notes: This is a subdivision of tax map #89.-1-16.1 creating two lots. One on the north side of Sickle Hill Road being 13.14+/- acres, Lot #1, and the other on the southern side of the Sickle Hill Road totaling 34 +/- acres, Lot #2. Three acres from the subsequent Lot #2 will be then conveyed to the tax

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parcel resulting in an end total acreage for Lot #1 of 10.14 acres. No physical disturbance is anticipated. A stream is present on the south edge of the property.

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. An AG data 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.

Case #: **03-210903798**
Project Name: **McDermott Lot Line Adjustment**

Applicant: Brenda McDermott
Project Location: Huntersland Road
Municipality: Town of Berne
Parcel Size: 25.00 acres
Zoning: Residential/ Agricultural/Forestry (RAF)
Tax Map Number: 112.-1-8.3
Referring Agency: Town of Berne Planning Board

Considerations: Lot line adjustment to enlarge the property from the corner of High Point Road and Huntersland Road adding about 0.24 acre to 0.81 acre.

Action Type: **Lot Line Adjustment**

Juris. Determinant: County Road
Potential Impacts: CR 10 Huntersland Road

Staff Notes: The applicant is proposing lot line adjustment to enlarge the existing property by adding 0.24 acres to 0.81 acres to make it a total of 1.05 acres. A portion of the lands of Kevin H. and Brenda K. McDermott to be conveyed to Donald H. and Linda McDermott. Together all rights and privileges that exist to the centerline of the Huntersland Road and High Point Road.

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

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Case #: 10-210903807
Project Name: **1516 Western Ave**

Applicant: AJ Signs
Project Location: 1516 Western Ave
Municipality: Town of Guilderland
Parcel Size: 0.74 acres
Zoning: Local Business District (LB)
Tax Map Number: 52.19-2-1
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance to permit a third sign and to exceed 50SF of sign area.

Action Type: **Area Variance**

Juris. Determinant: County Road, State Road
Potential Impacts: CR Schoolhouse Road, 20 Western Ave

Staff Notes: The applicant is proposing to install a new two (2) sided pylon sign for Citizen bank located at 1516 Western Ave. The bank is located at the corner of Schoolhouse Road and Western Ave. The bank currently has a set of channel letters on Schoolhouse road facade and the Western Ave facade. They do not currently have a freestanding sign needed for customers to find the bank's location. The proposed pylon sign will measure 15'x3'4". With an overall height is 15'. The base structure will be 3'x3'4". The sign will have push thru white letters that will be internally lit with leds. The letters alone will light up at night and emit soft glow. The additional signage is self created but the purpose is to make it easier for the motorists and patrons to locate the branch. An area variance is requested to allow for two sided 50.2 SF (100.4 SF total) freestanding sign where 50 SF for all signs is allowed.

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

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Case #: 10-210903808
Project Name: **1975 Western Ave**

Applicant: David Zhang
Project Location: 1975 Western Ave
Municipality: Town of Guilderland
Parcel Size: 1.50 acres
Zoning: Local Business District (LB)
Tax Map Number: 51.08-2-22
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for change of use from bowling alley to a local shopping center.

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 20 Western Ave

Staff Notes: This is an application for a special use permit for change of use and renovation of an existing 14,750 SF of bowling alley, formerly known as Westlawn lanes into a local multi-tenant strip center containing one or more businesses/professional offices. No land disturbances are anticipated. Work includes creating new storefront window with door(s) creation of non-load bearing partition walls and ADA restrooms. Minimum site work is expected , however touching up of existing parking lot and sidewalk.

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. If the commercial property development plans involve new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway, a highway work permit from the New York State Department of Transportation (NYSDOT) will be required.

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Case #: 10-210903809
Project Name: **2801 Old State Road - 4 Lot Subdivision**

Applicant: John Raucci
Project Location: 2801 Old State Road
Municipality: Town of Guilderland
Parcel Size: 6.56 acres
Zoning: Single Family Residential District (R40)
Tax Map Number: 27.00-1-51
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review to divide the existing 6.6 acres parcel into four(4) new parcels, which will include two(2) keyhole lots.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The is proposing to subdivide the lot into four(4) new parcels, with lot sizes of 49,000+/- SF to 127,000 SF. The existing single-family home and garage will remain on the proposes 49,000 SF parcel, Lot #1. New single-family homes, with public water and sewer connections, are proposed for the other three parcels where two of the lots are keyhole lots. As per associated project documents, lot #2 will require an area variance for lot frontage. Lot #1 is to be 48,389+/- SF, Lot #2 is to be 47,176+/- SF, Lot #3 is to be 65,631 +/- SF and Lot #4 is to be 127,136+/- SF.

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. An AG data 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.

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Case #: 10-210903810
Project Name: **3397 Carman Road Minor Subdivision**

Applicant: Gabe August
Project Location: 3397 Carman Road
Municipality: Town of Guilderland
Parcel Size: 0.87 acres
Zoning: Local Business District (LB)
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 have an existing single-family residence with accessory building and Lot #2 would have a duplex.

Action Type: **Subdivision Review**

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

Staff Notes: The applicant proposes to subdivide the property into two lots creating one new lot. Lot #1 is to be 12,983 SF with existing single-family house (1930 built), garage and a shed. Lot #2 is to be 22,523 SF with an existing duplex (completed in 2019). No physical disturbance is anticipated during the proposed action. This case was previously reviewed by ACPB for an area variance in July 2021. The staff recommendation was, "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."

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

Case #: 13-210903799
Project Name: **Lands of Rosenblatt**

Applicant: Colleen Rosenblatt
Project Location: Indian Fields Rd, Lower Copeland Hill
Municipality: Town of New Scotland
Parcel Size: 9.50 acres
Zoning: Residential Agriculture (RA)/ Residential Forestry (RF)

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Tax Map Number: 118.-3-38.1, 118.-3-38.2, 118.-3-38.3
Referring Agency: Town of New Scotland Planning Board

Considerations: Four (4) lot prior subdivision consolidated into two (2) lots after wetland delineation was done to allow for two(2) buildable lots.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 32 Indian Fields Road, Agricultural District, NWI Wetlands

Staff Notes: The applicant proposes to take down previous subdivision of the parcel into four lots and divide the parcel into two new larger lots. No physical disturbance is anticipated during the proposed action. The two new lots are to be Lot #1 of 8.906 acres and Lot #2 9.343 acres. Total area of the property is 18.249 acres.

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

Case #: **13-210903800**
Project Name: **Lands of Schwartz Hatfield to NCC**

Applicant: Northeastern Cave Conservancy
Project Location: 39 North Road, Delaware Tpke
Municipality: Town of New Scotland
Parcel Size: 42.60 acres
Zoning: Residential Hamlet (RH)
Tax Map Number: 105.-2-26, 105.-2-29.2
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review to divide the land to donate 4.74 acres from Schwartz Hatfield to Northeastern Cave Conservancy.

Action Type: **Subdivision Review**

Juris. Determinant: State Road, County Road, Agricultural District
Potential Impacts: Delaware Tpke, CR 301 Tarrytown Road, Agricultural District

Staff Notes: Lot 105.-2-26 owners Schwartz and Hatfield are donating approximately 4.74 acres of land to the Northeastern Cave Conservancy, Inc. to expand

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the existing Clarksville Cave Preserve by lot line adjustment to append the donated land to the Conservancies property at 105.-2-29.2. Thereby protecting underlying cave passages and one of three current entrances into the cave system. The Clarksville Cave is managed as a recreational and wildlife preserve. Following the donation, the Preserve will expand from a little more than 14 acres to a total of almost 19 acres. No land disturbances are anticipated during the land donation.

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

Case #: 13-210903803
Project Name: **Lands of Fiato**

Applicant: Cynthia Elliot
Project Location: 47 Takakwitha Road
Municipality: Town of New Scotland
Parcel Size: 91.84 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 84.-2-51
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review for two lot subdivision of equal size for estate settling.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The applicant proposes to subdivide the farm into two equal lots for the purpose of estate settling. The deed of record conveys one-half interest to Christine Fiato and one-quarter interest to Mona George and Martha Fiato each. Total area of the property is 91.84 acres. Both Lot #1 and Lot #2 is to be 45.92+/- acres. Each of the lots will have road frontage on Tekakwitha road.

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 #: 13-210903804
Project Name: **Lands of Demis Estate**

Applicant: Geoffrey Demis
Project Location: 1707 Indian Fields
Municipality: Town of New Scotland
Parcel Size: 147.40 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 119.-2-1.10
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review for 10 acre lot with existing house from remaining lands which will remain an active farm.

Action Type: **Subdivision Review**

Juris. Determinant: State Road, Agricultural District
Potential Impacts: 32 Indian Fields Road, Agricultural District, Historic District

Staff Notes: This is a subdivision review to subdivide 147.4 acres into two (2) parcels. 10 acres are to be sold with the existing house and the remaining 137.4 acres to remain as an active agricultural land. As per SEAF, total of 10 acres is to be disturbed during the proposed action and there are existing drilled wells on both parcels and the 10 acre parcel consists of on-site sewage disposal system.

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
Enzo Sofia made a motion to accept the Staff Opinion for Case #'s 01-210903792, 03-210903795, 03-210903798, 10-210903807, 10-210903808, 10-210903809, 10-210903810, 13-210903799, 13-210903800, 13-210903803, & 13-210903804. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

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Case #: 01-210903796
Project Name: **Ordinance 25.91.21**

Applicant: City of Albany Common Council
Project Location: 77, 79, 81, 83, 83.5, and 85 Sherman Street
Municipality: City of Albany
Parcel Size: N/A N/A
Zoning: Two-Family Residential (R-2)
Tax Map Number: 65.72-3-37, 65.72-3-38, 65.72-3-39, 65.72-3-40, 65.72-3-41, 65.72-3-42
Referring Agency: City of Albany Legislative Board

Considerations: Rezoning to allow the Legal Aid Society of Northeastern New York to construct adequate parking for its staff and low income clients at the Center for Civil Legal Services, 95 Central Avenue.

Action Type: **Rezoning**

Juris. Determinant: State Road
Potential Impacts: 5 Central Ave, Historic District

Staff Notes: The proposed zoning map amendment is a necessity to allow the Legal Aid Society of Northeastern New York to construct adequate parking for its staff and low income clients at the Center for Civil Legal Services, 95 Central Avenue. Legal Aid provides free urgent civil legal services to low income and vulnerable clients. Effective mid-June, the staff at the Center will total 51 people and there are currently only 28 spaces. An ordinance amending chapter 375 of the code of the city of Albany (unified sustainable development ordinance) changing the zoning classifications of 77, 79, 81, 83, 83.5, and 85 Sherman street from “two-family” (r-2) to “mixed-use community urban” (mu-cu) and amending the zoning map accordingly.

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

The Board did not have any questions or comments. Travon Jackson made a motion to accept the Staff Opinion for Case #01-210903796. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

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Case #: 01-210903797
Project Name: **Ordinance 11.61.20**

Applicant: City of Albany Common Council
Project Location: N/A
Municipality: City of Albany
Parcel Size: N/A N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Adoption/amendment of zoning ordinance to To allow parking lots as a principal use of land in the MU-CU zone district, subject to a Conditional Use Permit review and use-specific design standards. The legislation also corrects inconsistencies between the current off-site parking allowances and the permitted use table.

Action Type: **Adoption/Amendment of Zoning Ordinance**

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

Staff Notes: An ordinance amending Chapter 375 (city of Albany unified sustainable development ordinance) of the code of the city of Albany in relation to parking lots in mu-cu zone districts. General purpose of the legislation is to allow parking lots as a principal use of land in the MU-CU zone district, subject to a Conditional Use Permit review and use-specific design standards. The legislation also corrects inconsistencies between the current off-site parking allowances and the permitted use table. The zoning amendment was initiated in response to the desired construction of ancillary parking by the Capital Reparatory Theatre at 329 North Pearl Street.

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

The Board did not have any comments or questions. Travon Jackson made a motion to accept the Staff Opinion for Case #01-210903797. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

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Case #: 03-210903794
Project Name: **Sission Minor Subdivision**

Applicant: Kevin & Christine Sission
Project Location: 123 Cole Hill Road
Municipality: Town of Berne
Parcel Size: 86.60 acres
Zoning: Residential/ Agricultural/Forestry (RAF)
Tax Map Number: 115.-1-5
Referring Agency: Town of Berne Planning Board

Considerations: Subdivision Review to divide the parcel into two lots. Parcel 1 to be five (5) plus acres with existing house and Parcel 2 to be 81.6 acres to remain agricultural.

Action Type: **Subdivision Review**

Juris. Determinant: County Road, Municipal Boundary, Agricultural District
Potential Impacts: CR 2 Cole Hill Road, CR 1 Switz Kill Road, Intermunicipal Boundaries of Town of Berne and Town of Westerlo

Staff Notes: The applicant proposes to subdivide the property 86.6 acres into two(2) lots. Parcel #1 to be +/-5 acres containing the existing house, well and sewage disposal system. Parcel #2 to remain as agricultural land. As per SEAF, five acres of land disturbance is anticipated. The applicant proposes easement over existing driveway, through the proposed 5+ acre parcel, to access the agricultural lands to be retained. The existing house driveway will be used to access the rear farm.

Staff Opinion: Modify local approval to include
1. Notification of the application should be sent to the Town of Westerlo, including all required notices pursuant to GML §239-nn.
2. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed use of shared driveway.
3. An AG data 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. All future applications for subdivision should include an official drawing of the proposed site and action prepared by a licensed profession.

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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 # 03-210903794. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: 07-210903790
Project Name: **Keeler Honda & Collision Center**

Applicant: Keeler Motor Car Company
Project Location: 1111 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 54.87 acres
Zoning: Commercial Office Residential District (COR)
Tax Map Number: 8.3-1-39.1-1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of a new 47,000SF collision center and a new 43,000SF Honda dealership.

Action Type: **Site Plan Review**

Juris. Determinant: County Road, State Road, Agricultural District
Potential Impacts: CR 151 Albany Shaker Road, 7 Troy Schenectady road, Agricultural District, FEMA Floodzones

Staff Notes: The applicant is proposing to develop the parcel by constructing two new buildings; the first building will be occupied by the Honda dealership and will encompass approximately 43,060 SF and 323 parking spaces, and the second will be utilized for the Alfa Romeo & Maserati dealership and the new collision center along with 135 parking spaces. Municipal water & sanitary sewer services will be provided to both buildings. Access driveways and circulation roadways will also be developed. The existing site proposed for development is already mostly developed with gravel and stone surfaces that are used for the storage of inventory of vehicles.

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. 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

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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.

Enzo Sofia verified that the traffic impacts had been looked at by the DPW Traffic Engineer. With no further questions or comments, Enzo Sofia made a motion to accept the Staff Opinion for Case #07-210903790. The motion was seconded by Gerry Engstrom and was unanimously approved by the Board.

Case #: **07-210903791**
Project Name: **Parking Lot Rehabilitation**

Applicant: EG Partners, LLC
Project Location: 1003 & 1001 Loudon Road
Municipality: Town of Colonie
Parcel Size: 4.50 acres
Zoning: Commercial Office Residential District (COR)
Tax Map Number: 9.4-2-5.23, 9.4-2-5.22
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for rehabilitation to existing parking lot including asphalt top course, modification of parking islands, relocation of two site lights and re-striping of entire lot. No modification to existing building or to Loudon Road access is proposed.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 9 Loudon Road, NWI & NYSDEC Wetlands

Staff Notes: The applicant is proposing the rehabilitation of an existing parking lot including placing new top course asphalt, re-striping the parking lot, and increasing area of landscaped islands. No new impervious areas will be generated and the run-off from the re-surfaced lot will continue to discharge off-site as it currently does. The property is currently occupied by one tenant, Stepping Stones Daycare) and the remainder of the it is vacant which is proposed to be occupied by Capek Plastic Surgery &

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MedSpa in the first floor of the building. 1.855 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 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 did not have any questions or comments. Enzo Sofia made a motion to accept the Staff Opinion for Case #07-210903791. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-210903793
Project Name: **Warehouse Building**

Applicant: Chuck Pafundi
Project Location: 49 Railroad Avenue, 29 & 50 Spruce Street, and 17 Commercial Avenue.
Municipality: Town of Colonie
Parcel Size: 13.73 acres
Zoning: Industrial District (IND)
Tax Map Number: 53.5-4-14.1, 53.5-4-14.7, 53.5-2-13, 53.5-2-14.1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to modify existing lot lines and create 19 Commercial Ave and construct a 13,000 SF one-story building to be used as a contractor vehicle maintenance and dispatch facility along with the accessory use of the remaining portions of the parcel as a contractor yard.

Action Type: **Site Plan Review, Lot Line Adjustment**

Juris. Determinant: Municipal Boundary
Potential Impacts: Intermunicipal Boundaries of Town of Colonie and Town of Guilderland

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Staff Notes:

The project site is comprised of four separate parcels that are known as: 49 Railroad Avenue; 29 & 50 Spruce Street; and 17 Commercial Avenue. 49 Railroad Avenue and 17 Commercial Avenue currently are occupied by existing masonry block structures and associated parking, construction yard, circulation and access drives. The applicant is proposing lot line adjustment for the four parcels to create an additional parcel, 19 Commercial Ave. The applicant is also proposing to develop the subject parcel with a 13,000 SF one-story building and associated parking and circulation routes to access the site from Commercial Ave. A total of 4.8 acres of land disturbance is expected during the proposed action. The construction is to be built in one phase in a period of 12 months. The project provides 35 parking spaces including two (2) handicap parking spaces. The project will include 3.08 acres of impervious surface and on-site stormwater practices include infiltration basins that will recharge the stormwater runoff into the local soils which are pervious.

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.

The Board did not have any questions or comments. Gerry Engstrom made a motion to accept the Staff Opinion for Case #07-210903793. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #:

10-210903805

Project Name:

6185 Johnston Road - 3 Lot Subdivision

Applicant:

Eric Yucaili

Project Location:

6185 Johnston Road

Municipality:

Town of Guilderland

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Parcel Size:	2.20 acres
Zoning:	Single Family Residential District (R15)
Tax Map Number:	51.04-1-20.2
Referring Agency:	Town of Guilderland Planning Board
Considerations:	Subdivision review for three lot minor subdivision of 2.2 acres in the R15 zoning district.
Action Type:	Subdivision Review
Juris. Determinant:	County Road
Potential Impacts:	CR 203 Johnston Road
Staff Notes:	<p>The applicant is proposing a three lot minor subdivision of 2.2 acres located in the R15 district. Lot #1 will consist of 0.57 acres and contains an existing residential dwelling with accessory structures that will be removed as part of the subdivision. Lot #2 will consist of 0.9 acres and is undeveloped land. Lot #3 will consist of 0.74 acres and is undeveloped land. All three lots will be accessed from Johnston Road and will utilize a shared driveway. Total of 1.1 acres of disturbance is expected.</p>
Staff Opinion:	<p>Modify local approval to include</p> <ol style="list-style-type: none">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.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 shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed use of shared driveway.

The Board discussed the specifics of this location. Gerry Engstrom made a motion to accept the Staff Opinion for Case # 10-210903805. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

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Case #: 10-210903806
Project Name: **3476 Carman Road - 3 Lot Subdivision**

Applicant: John Raucci
Project Location: 3476 Carman Road
Municipality: Town of Guilderland
Parcel Size: 1.50 acres
Zoning: Single Family Residential District (R15)
Tax Map Number: 15.18-3-31
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review of 1.5 acres into three(3) lots with existing single family home and vegetable stand building, with a desire to build a new single family home on Lot #3.

Action Type: **Subdivision Review**

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

Staff Notes: The applicant proposes to subdivide the lot into three (3) new parcels with lot sizes ranging from 18,752+/-SF to 28,421+/-SF. The existing single family home and vegetable stand building will remain. A new single family home lot is proposed on Lot #3. Lot #1, Lot #2 and Lot #3, as proposed, will require an area variance for lot frontage and the side setback for the vegetable stand building. Lot #1 is to be 28,421 SF, Lot #2 to be 18,752 SF and Lot #3 to be 18,752 SF.

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. Lot #1, #2 and #3 will require an area variance to meet lot frontage for a self-created difficulty. In determining whether to grant an area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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Ransom Moore asked Gopika for clarification regarding Modification # 2.
Gerry Engstrom made a motion to accept the Staff Opinion for Case #10-210903806. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: 13-210903801
Project Name: **Lands of Marchio**
Applicant: Luigi Palleschi
Project Location: Delaware Tpke between 1220 & 1240
Municipality: Town of New Scotland
Parcel Size: 3.50 acres
Zoning: Residential Hamlet (RH)
Tax Map Number: 95.-2-31
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review for three (3) lot subdivision with proposed shared driveway and proposed wells and septic as per Albany County Department of Health.

Action Type: **Subdivision Review**

Juris. Determinant: State Road, County Road, Agricultural District
Potential Impacts: 443 Delaware Tpke, CR 308 New Scotland South Road

Staff Notes: The applicant proposes to subdivided the parcel into 3 residential lots with wells and septic systems. A shared driveway is also proposed for the three lots. Total acreage of land to be physically disturbed is 1.6 acres. The properties will be connected to private wells and private septic for water and wastewater utilities. Lot #1 to be 0.56 acres, Lot #2 to be 1.25 acres and Lot #3 to be 1.70 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. 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

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Stormwater 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 shared driveway.

Gerry Engstrom asked for verification that we have received an Ag Statement. Gerry Engstrom made a motion to accept the Staff Opinion for Case #13-210903801. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: 13-210903802
Project Name: **Lands of Jackson**

Applicant: Michael Jackson
Project Location: 65 Clipp Road
Municipality: Town of New Scotland
Parcel Size: 23.27 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 106.-2-7.20
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review for dividing land into two(2) lots to give the new lot to the son.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: This is a subdivision review to divide out a building lot for the applicant's son. A single family house is proposed to be built in Lot #1. Total acreage of land to be disturbed is two acres. Total area of the property is 23.27 acres. Lot #1 to be 10.92 acres, which is to be given to the son, and Lot #2 is to be 12.35 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. An AG data 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

The Board did not have any questions or comments. Gerry Engstrom made a motion to accept the Staff Opinion for Case #13-210903802. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 14-210903789
Project Name: **Local Law #2 - Wildlife Feeding**

Applicant: Village of Ravena
Project Location: Village of Ravena
Municipality: Village of Ravena
Parcel Size: N/A N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Village of Ravena Legislative Board

Considerations: Adoption of local law to stop/hinder the feeding of wildlife in the Village of Ravena.

Action Type: **Adoption/Amendment of Local Law**

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

Staff Notes: The Village of Ravena proposes a Local Law to prohibit the feeding of wildlife. As per this local law, no person shall feed or provide food for any wildlife within the Village limits at any time of the year except for songbirds. It shall be unlawful for any person to feed or cause to be fed

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any wildlife and the enforcement agencies including the Department of Environmental Conservation, the Department of Parks and Recreation, the Town of Coeymans Police, and the Albany County Sheriff are authorized to issue appearance tickets for violation of this law. This local law shall take effect immediately upon the filing with the New York State Department of State through the Secretary of State. Under SEQRA determination, it will be determined that this action is "Unlisted".

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

Gerry Engstrom questioned whether there is a DEC law related to this. Rob Gunther commented that in the Village of Ravena, there is an over-abundance of Ducks in and around the creek that runs through the Village. People are feeding them and they continue to reproduce. The ducks wander around the roadways and parking lots. Rob believes this problem may be part of the reason this is being proposed. Brian Crawford made a motion to accept the Staff Opinion for Case #14-210903789. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #: 07-210903788
Project Name: **Sherwood LLC Project**
Applicant: 44 Sherwood, LLC c/o NAI Platform Management Group
Project Location: 44/60 Sherwood Drive
Municipality: Town of Colonie
Parcel Size: 29.60 acres
Zoning: Airport Business Area (ABA)
Tax Map Number: 30.2-2-2, 30.2-2-1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of 18 new homes of which seven (7) of them will be in Airport business Area zone and an area variance for adjacent property at No. 42 Sherwood Drive for existing accessory structure.

Action Type: **Site Plan Review, Area Variance**

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Juris. Determinant: Interstate Highway, State Road
Potential Impacts: I87 Adirondack Northway, NYSDEC Wetlands, NWI Wetlands, 155 Watervliet Shaker Road

Staff Notes: The proposed 18 lot conservation subdivision with seven (7) lots partially in an Airport Business Area (ABA) Zoning District which is not an allowable use as per the Town Land Use Law. Additionally, the existing detached garage at 42 Sherwood Drive will become a nonconforming structure, an accessory structure in a front yard on a corner lot, and will not be compliant with the prohibition of accessory structures in a front yard as stated in the Land Use Law.

Staff Opinion: Disapprove

1. The Albany County Planning Board found the project associated documents to be inconsistent and unacceptable for review purposes.
2. The Town should consider the public comments that is in opposition to the proposal and the adverse effects of commercial development to the residential neighborhood.
3. In determining whether to grant an area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

Gerry Engstrom made a motion to accept the Staff Opinion for Case #07-210903788. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Unfinished Business: None

New Business: Gov. Hochul's order to allow for remote meetings is through January 15, 2022. Therefore the next meeting of the Albany County Planning Board will also be held remotely.

Adjourn: Gerry Engstrom made a motion to adjourn at 4:18pm.

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